

Agenda



Planning Committee

Date: Wednesday, 5 April 2023

Time: 10.00 am

Venue: Council Chambers - Civic Centre

To: Councillors M Spencer (Chair), M Linton (Deputy Chair), T Watkins, J Jones, M Howells, R Mogford, T Harvey, D Jenkins, B Perkins, J Reynolds and J Jordan

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

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

Part 1

Item	Wards Affected
1. <u>Apologies for Absence</u>	
2. <u>Declarations of Interest</u>	
3. <u>Minutes of the meeting held on 1 March 2023</u> (Pages 3 - 6)	
4. <u>Development Management: Planning Application Schedule</u> (Pages 7 - 46)	
5. <u>Appeal Decisions</u> (Pages 47 - 52)	

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Date of Issue: Wednesday, 29 March 2023

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Draft Minutes

Planning Committee

Date: 01 March 2023

Time: 10.00 am

Present: Councillors M Spencer (Chair), M Linton (Deputy Chair), M. Howells, R Mogford, D. Jenkins, J Jordan, J. Jones, T. Harvey, T. Watkins, and B. Perkins.

In Attendance: Andrew Ferguson (Planning and Development Manager), Joanne Davidson (East Area Development Manager), Stephen Williams (West Area Development Manager), Sian Davies (Assistant Solicitor), Andrew Hardiman (Traffic, Transport and Development Engineer), Geraint Roberts (Principal Planning Officer), Grant Hawkins (Senior Planning Officer), Jay McCabe (Service Manager-Operations)

Councillor Phil Hourahine (Ward Member) Councillor Paul Bright (Ward Member)

Pamela Tasker (Governance Support Officer), Taylor Strange (Governance Support Officer)

Apologies: Councillor John Reynolds

1. Declarations of Interest

None

2. Minutes of the meeting held on 1 February 2023

The minutes of the meeting held on 1 February 2023 were submitted.

Resolved

That the minutes of the meeting held on 1 February 2023 be taken as read and confirmed.

3. Development Management: Planning Application Schedule

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

(2) That the Planning and Development Manager be authorised to draft any amendments to/additional conditions or reasons for refusal in respect of the Planning Applications Schedule, attached.

4. Appeals

Member's attention was drawn to the appeals report, for information.

The meeting terminated at 11:36am

Draft Appendix A
PLANNING COMMITTEE – 01 03 2023
DECISION SCHEDULE

No	Site/Proposal	Ward	Additional Comments	Decision
22/0848 <div style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 5</div>	Site: 142 Caerleon Road, Newport, South Wales NP19 7FY Proposal: CHANGE OF USE FROM OFFICES AND SELF CONTAINED FLATS TO A HOSTEL '(SUI GENERIS) FOR 8 PERSONS (PART RETROSPECTIVE) Recommendation: Granted with conditions	St Julian's	Presented to Committee at request of Councillor Townsend and Hourahine. Councillor Phil Hourahine (Ward Member) spoke in opposition of the application.	Granted with Conditions
22/1019	Site: Firbank Dale Social Centre, Heather Road Proposal: RETROSPECTIVE CHANGE OF USE OF PART OF ALLOTMENT TO NURSERY PLAY AREA INCLUDING VIEWING PLATFORM AND ACCESS PLATFORM WITH STEPS Recommendation: Granted with conditions	St Julian's	Presented to Committee as the applicant is related to a member of staff in Development Services.	Granted with Conditions

22/0656	<p>Site: 19 Temple Street</p> <p>Proposal: Change of use from dwelling (C3) to 4 bed house in multiple occupation (C4)</p> <p>Recommendation: Granted with conditions</p>	Pillgwenlly	Presented to Committee at the request of Cllr Adan.	Granted with Conditions
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Report

Planning Committee – Hybrid Meeting

Part 1

Date: 5th April 2023

Subject Planning Application Schedule

Purpose To take decisions on items presented on the attached schedule

Author Head of Regeneration and Economic Development

Ward As indicated on the schedule

Summary The Planning Committee has delegated powers to take decisions in relation to planning applications. The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an Officer recommendation to the Planning Committee on whether or not Officers consider planning permission should be granted (with suggested planning conditions where applicable), or refused (with suggested reasons for refusal).

The purpose of the attached reports and associated Officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule having weighed up the various material planning considerations.

The decisions made are expected to benefit the City and its communities by allowing good quality development in the right locations and resisting inappropriate or poor quality development in the wrong locations.

Proposal 1. To resolve decisions as shown on the attached schedule.
2. To authorise the Development and Regeneration Manager to draft any amendments to, additional conditions or reasons for refusal in respect of the Planning Applications Schedule attached

Action by Planning Committee

Timetable Immediate

This report was prepared after consultation with:

- Local Residents
- Members
- Statutory Consultees

The Officer recommendations detailed in this report are made following consultation as set out in the Council's approved policy on planning consultation and in accordance with legal requirements

Background

The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an Officer recommendation to the Planning Committee on whether or not Officers consider planning permission should be granted (with suggested planning conditions where applicable), or refused (with suggested reasons for refusal).

The purpose of the attached reports and associated Officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule having weighed up the various material planning considerations.

The decisions made are expected to benefit the City and its communities by allowing good quality development in the right locations and resisting inappropriate or poor quality development in the wrong locations.

Applications can be granted subject to planning conditions. Conditions must meet all of the following criteria:

- Necessary;
- Relevant to planning legislation (i.e. a planning consideration);
- Relevant to the proposed development in question;
- Precise;
- Enforceable; and
- Reasonable in all other respects.

Applications can be granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). This secures planning obligations to offset the impacts of the proposed development. However, in order for these planning obligations to be lawful, they must meet all of the following criteria:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The applicant has a statutory right of appeal against the refusal of permission in most cases, or against the imposition of planning conditions. There is no third party right of appeal against a decision.

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

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

Financial Summary

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

Risks

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

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

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

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

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

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

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

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

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

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

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

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

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

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

Options Available and considered

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

Preferred Option and Why

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

Comments of Chief Financial Officer

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

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

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

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

Comments of Monitoring Officer

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

Comments of Head of People, Policy and Transformation

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

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

Comments of Cabinet Member

The Cabinet Member for Strategic Planning, Regulation and Housing has been made aware of the report.

Local issues

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

Scrutiny Committees

None

Equalities Impact Assessment and the Equalities Act 2010

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

The Socio-economic Duty, part of the Equality Act 2010, was also enacted in Wales on the 31st March 2021. This requires the Planning Committee, when making strategic decisions, to also pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage. Inequalities of outcome are felt most acutely in areas such as health, education, work, living standards, personal security and participation.

Children and Families (Wales) Measure

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

Wellbeing of Future Generations (Wales) Act 2015

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

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

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

Crime and Disorder Act 1998

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

Consultation

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

Background Papers

NATIONAL POLICY

Planning Policy Wales (PPW) Edition 11 (February 2021)
 Development Management Manual 2017
 Welsh National Marine Plan November 2019
 Future Wales - The National Plan 2040 (February 2021)

PPW Technical Advice Notes (TAN):

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 10: Tree Preservation Orders (1997)
 TAN 11: Noise (1997)
 TAN 12: Design (2016)
 TAN 13: Tourism (1997)
 TAN 14: Coastal Planning (1998)
 TAN 15: Development and Flood Risk (2004)
 TAN 16: Sport, Recreation and Open Space (2009)
 TAN 18: Transport (2007)
 TAN 19: Telecommunications (2002)
 TAN 20: Planning and The Welsh Language (2017)

TAN 21: Waste (2014)
TAN 23: Economic Development (2014)
TAN 24: The Historic Environment (2017)

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

Welsh Government Circular 016/2014 on planning conditions

LOCAL POLICY

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

Supplementary Planning Guidance (SPG):

Affordable Housing (adopted August 2015) (updated October 2021)
Archaeology & Archaeologically Sensitive Areas (adopted August 2015)
Flat Conversions (adopted August 2015) (updated October 2021)
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)
Sustainable Travel (adopted July 2020)
Shopfront Design (adopted October 2021)

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 Growth Strategy (and associated Economic Growth Strategy Recovery Addendum) 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 and are available to view on the Council’s website using the application reference number.

1.

APPLICATION DETAILS

No: 22/0576 **Ward:** Allt-yr-Yn

Type: Full (Major)

Expiry Date: 15th August 2022

Applicant: N Dean

Site: 9 Gold Tops Newport NP20 4PH

Proposal: **CONSTRUCTION OF 10 NO. RESIDENTIAL APARTMENTS AND ASSOCIATED WORKS**

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 The proposal concerns the site of 9 Gold Tops and seeks full planning permission for the demolition of the existing fire damaged office building and the erection of 10no. residential apartments and associated works.
- 1.2 The proposal is brought to the Planning Committee for consideration as the proposal would represent a form of Major development (10 dwellings and above).

2. RELEVANT SITE HISTORY

Application Number	Proposal Description	Decision
92/0048	ERECTION OF TWO STOREY OFFICE BUILDING AND CONSTRUCTION OF NEW CAR PARK	Refused (Allowed at appeal 14.09.1993)
97/1208	VARIATION OF CONDITION FOR RENEWAL OF UNIMPLEMENTED PLANNING PERMISSION 92/0048/F FOR DETACHED OFFICE BUILDING AND NEW CAR PARK	Granted with conditions 05.03.1998
98/0376	ERECTION OF THREE 2 BED HOUSES WITH GARAGES	Refused 10.06.1998
00/0243	SINGLE STOREY LINK EXTENSION TO OFFICE AND STORE	Granted with conditions 26.04.2000
03/1013	ERECTION OF TWO STOREY OFFICE BUILDING AND CONSTRUCTION OF NEW CAR PARK	Refused 02.10.2003
05/0126	ERECTION OF TWO STOREY SIDE EXTENSION AND PROVISION OF CAR PARKING	Refused 10.10.2005 (Dismissed at appeal 27.03.2006)
06/1439	WORKS TO HORSE CHESTNUT TREE T22 PROTECTED BY TPO 8 OF 1986	Granted 06.02.2007
14/1250	PROPOSED EXTENSION AND CONVERSION OF EXISTING PROPERTY TO FORM 9 NO. SELF CONTAINED 1 AND 2 BED APARTMENTS WITH ON SITE CAR PARKING AND AMENITY FACILITIES	Granted with conditions 28.04.2016

21/0307	VARIATION OF STANDARD TIME CONDITION OF PLANNING PERMISSION 14/1250 FOR PROPOSED EXTENSION AND CONVERSION OF EXISTING PROPERTY TO FORM 9NO. SELF CONTAINED 1 AND 2 BEDROOM APARTMENTS WITH ON SITE PARKING AND AMENITY FACILITIES	Granted with conditions 7 October 2021
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3. POLICY CONTEXT

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

- Policy SP1 – Sustainability
- Policy SP10 – House Building Requirement
- Policy SP13 – Planning Obligations
- Policy SP18 – Urban Regeneration
- Policy GP1 – Climate Change
- Policy GP2 – General Amenity
- Policy GP4 – Highways and Accessibility
- Policy GP5 – Natural Environment
- Policy GP6 – Quality of Design
- Policy GP7 – Environmental Protection and Public Health
- Policy H3 – Housing Mix and Density
- Policy H4 – Affordable Housing
- Policy H8 – Self Contained Accommodation and Houses of Multiple Occupation
- Policy T4 – Parking
- Policy W3 – Provision for Waste Management Facilities in Development

4. CONSULTATIONS

4.1 Regional Ambulance Officer: No response.

4.2 Heddlu Gwent Police: Please ensure the requirements outlined in the Secured By Design Homes Guide are met, such as;

- Avoiding the creation of windowless elevations and blank walls immediately adjacent to public spaces; this type of elevation, commonly at the end of a terrace, tends to attract graffiti, inappropriate loitering and ball games. The provision of at least one window above ground floor level, where possible, will offer additional surveillance over public areas.

- Ensure parking will be lit by way of lighting columns and overlooked from active rooms/side elevation windows.

- Footpaths should be lit and overlooked to support natural surveillance.

- Windows and doors to have PAS 24:2016 certification.

- For blocks of flats the main entrance front door will also need to be PAS 24:2016 and have a visitor door entry system and access control system with i.e. persons can be allowed to enter the building remotely from the persons flat, and access into the building by residents is by use of key fob/card etc. Please note that tradespersons buttons or time release mechanisms are not permitted.

- Door viewers and limiters should meet the Door and Hardware Federation specifications of TS003 and TS002.

- Dusk til dawn lighting should be installed to the front and rear of the properties.

- Street lighting should conform to BS 5489-1:2020 by way of columns.

- Walls/fencing and gates preventing access to the rear and sides of the properties must be robust, at least 1.8 metres high (2 metres high if the side or rear gardens are adjacent to open land or a footpath) to prevent it being climbed.

- Gates giving access to rear gardens need to be lockable and be operable by key from both sides of the gate.

- Garden sheds should be sited away from the rear fencing/walls to prevent assisting people in climbing over.

- If smart meters are not installed, meter boxes must be fixed to, or as near to, the front building lines of the properties as possible.

4.3 Senior Fire Prevention Officer: The site plan/s of the above proposal has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the planning committee/applicant. It is important that these matters are dealt with early on in any proposed development: • The following concerns are identified, in relation to the proposed development, together with suggestions as to how these can be addressed. A comprehensive fire strategy should be provided which indicates the package of fire safety measures that are proposed to satisfy The Building Regulations and should address any variations to current guidelines. The developer should consider the need for the provision of:- a. adequate water supplies on the site for firefighting purposes; and b. access for emergency firefighting appliances.

4.4 Newport Access Group: No response.

4.5 Dwr Cymru Welsh Water: No objection (subject to condition).

5. INTERNAL COUNCIL ADVICE

5.1 Head of Regeneration & Economic Development (Planning Contributions Manager): Contributions required toward, leisure, education, and affordable housing.

5.2 Head of Environment & Public Protection (Ecology Officer): I note that a Preliminary Roost Assessment has been submitted in support of this application, which is the same document as submitted for application 21/0307. I concur with the comments made by our former colleague Julie Player in respect of this document, and in particular the precautionary mitigation / enhancement proposed by section 4.2 (Table 5) of the PRA.

Julie has asked for a biodiversity enhancement plan to show the models and locations of these bat and bird boxes on plans and elevations for the proposed development. I agree with this advice and ask that these details be secured by planning condition. Bat / bird boxes such as these are readily available commercially, are inexpensive, and can be tailored to the style and colour of the finish of the buildings. Features which are integrated into the buildings rather than attached to the outside are preferable as they are more secure in the long-term and less prone to interference by the public.

There are concerns in relation to impact upon trees at this site, so I would support any comments made by our colleagues in relation to tree protection.

5.3 Head of Environment & Public Protection (Tree Officer): There are objections to this application as no updated tree information has been submitted, nor details of how the access and parking is to be created in relation to the existing ground levels without affecting the horse chestnut tree.

Full tree details in accordance with BS5837:2012 (all trees on the site and bordering the site) are required by a bona fide Tree Consultant together with an Arboricultural Method Statement regarding the tree/trees and the construction of the proposed car park /access.

The car parking looks unacceptably close on the design and access plan below.

5.4 Head of City Services (Drainage Manager): A SAB application will be required if the construction area exceeds 100m².

- 5.5 Head of Education (Education Information Manager): No response.
- 5.6 Head of Housing & Communities (Housing Development Manager): Due to the number of units proposed an on-site provision of affordable housing would normally be sought. However, on this occasion I would request a commuted sum due to the difficulties in management only owning a proportion of flats in the block would present to the housing association receiving the units.
- 5.7 Head of City Services (Highways): - The applicant needs to submit a drawing that sets out where appropriate, the above visibility splays for all vehicle access points on Gold Tops and Fields Road.

It is reiterated that this development, to comply with current standards, should provide onsite, 23 parking spaces.

A revised drawing is required that sets out the following: • A covered structure for 11 cycles, to include a securing means for each cycle • One Sheffield Stand or similar structure for two cycles.

- 5.8 Head of Environment & Public Protection (Leisure): No response.
- 5.9 Head of Environment & Public Protection (Public Protection): The proposed use is to be 10no residential apartments, 5no 2 bed 3 person units, 4no 2 bed 4-person units and 1 3 bed 5-person unit. It is also proposed to landscape the ground surrounding the site to provide both a mixture of private and communal external amenity space. Refuse and cycle provision are also proposed to ensure that the new residential units are suitably provided with refuse and recycling facilities (1No cycle per bed space in line with planning guidance requirements).

The proposal has minimal environmental impact. However, the applicant must ensure that the local amenity is protected against any effects from construction. The applicant must also ensure that future occupants are protected from excessive internal noise transfer.

I offer no objections to the application and suggest the following should you be mindful to grant the application.

Suggested conditions:

Prior to first occupation, a scheme of sound insulation works to the floor/ceiling / party wall structures between separate dwellings shall be implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Details should show an enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. The approved scheme shall be retained thereafter in perpetuity.

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

The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB $L_{Aeq\ 16\ hrs}$ daytime and of more than 30 dB $L_{Aeq\ 8\ hrs}$ in bedrooms at night.

Prior to commencement of the development hereby approved, a [demolition method statement] [and a] [construction management plan] shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 07:00 – 19:00 Monday to Friday daily, 08:00 – 13:00 Saturdays. No works to be undertaken on Sundays or bank holidays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site.

- 5.10 Head of City Services (Drainage Manager): A SAB application will be required if the construction area exceeds 100m².
- 5.11 Head of City Services (Waste Manager): For 10 flats we would recommend communal bins, 1 x 1100l for general waste and for recycling 10 flats will require

1 x 660 card and paper
1 x 660 cans and plastics
1 x 360 Glass
1 x 240 Food.

Please confirm the intended arrangements for bin storage and collection

Supplementary planning guidance on waste and recycling to show storage and collection requirements can be downloaded at

<https://eur03.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.newport.gov.uk%2Fdocuments%2FPlanning-Documents%2FSupplementary-Planning-Guidance%2F2020%2FWaste-Storage-and-Collection-SPG-Adopted-Jan-2020.pdf&data=05%7C01%7CJacob.Cooke%40newport.gov.uk%7C67dc05cac5054eaa0d6908da63d5a537%7C2c4d0079c52c4bb3b3cad8eaf1b6b7d5%7C0%7C0%7C637932066486496473%7CUnknown%7CTWFPbGZsb3d8eyJWIjojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=ABYqMXEgPTJKc2kN0rztT%2FJhKjdDOhIMYuNitE02NCA%3D&reserved=0>

In the event that the service roads within the development site are not adopted by Newport City Council, the applicant/developer (as landowner with responsibility for the maintenance and upkeep of the common areas of the development) may need to agree to indemnify Newport City Council to enable a Waste/Recycling collection service to be carried out by the Council within any part of the development site.

From April 1st 2020, developers or owners of all new residential units will be required to purchase bin provision for each unit serviced to meet the Council's specification. 120L, 180L, 240L and 360L wheeled bins must be purchased/obtained from Newport City Council. 660L and 1100L bins can be purchased elsewhere but it is strongly recommended to speak to NCC Waste Management Refuse Management beforehand to ensure the bins fit the Refuse Department collection vehicles safely. Failure to purchase correct bin(s) will result in collections being suspended with the Council reserving the right to refuse collection until suitable bin specifications are met.

- 5.12 Head of City Services (Active Travel Officer): There are objections to this application due to lack of information relating to and the provision of cycle parking as part of the development.

Providing adequate storage space for cycles is an important part of encouraging sustainable travel. Cycle parking should be located in a safe, convenient and accessible place suitable for everyday long-stay use; long-stay parking should be secure, covered, well-lit and have CCTV where practical/ feasible (see Active Travel (Wales) Act 2013 – Design Guidance).

Revised documents and drawings are required to ensure that cycle storage is appropriately included within the development, in accordance with the Sustainable Travel SPG.

- 5.13 Head of Regeneration & Economic Development (Conservation Officer): Thank you for re-consulting me on this application. I have looked through the amended plans and am happy with the revisions. I believe most concerns regarding impact on setting of various listed buildings within the vicinity have been addressed to an appropriate degree, particularly the appearance of the rear elevation when viewing from Godfrey Road/Civic Centre. Therefore, I have no further concerns and I support the application.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: None received.
All properties within 50m of the application site were consulted (46 properties), a site notice displayed and a press notice published in South Wales Argus.
- 6.2 COUNCILLORS:
- 6.2.1 Cllr Matthew Evans: No response.
- 6.2.2 Cllr David Fouweather: No response.
- 6.2.3 Cllr Pat Drewett: Thank you for this information.

7. ASSESSMENT

Principle of Development

- 7.1 The site benefits from an extant consent 21/0307 for the variation of the standard time condition under application 14/1250 for the extension and conversion of the existing property to 9no. self-contained one and two bedroom apartments with onsite parking and amenity facilities. Therefore, the fallback position is that the site has permission already for the creation of 9no. self-contained apartments and associated works.
- 7.2 The previously consented scheme sought to remove the single storey extension from the north elevation onto Gold Tops and to erect 2no. two storey side extensions taking up the width of the plot. The resultant scheme was balanced and sat well within the plot and integrated with the context of the site.
- 7.3 To compare and contrast the extant consent and the development proposed; the proposal would seek to demolish the existing building due to the fire damage and erect a purpose built apartment block increasing the total number of apartments to 10. Those apartments would comprise of 9 x 2no. bedrooms and 1x 3no. bedrooms. The location of the apartment block proposed, scale and massing would be similar to that under the extant consent. The design proposed is contemporary featuring render, buff brick and slate tile. The proposal seeks to take advantage of the site levels resulting in the appearance of a four storey building to the southern elevation. Consequently, this results in a lower height retaining wall to the rear elevation than that permitted under the previous application.
- 7.4 With regard to the layout of the extant consent and that proposed under the current application; the previous consent provided 11no. off street parking spaces compared to the 15no. off street parking spaces proposed. The additional spaces can be accommodated due to the new design allows for the 4no. additional spaces to be located off Gold Tops to the front elevation.
- 7.5 The bin storage and cycle storage have been relocated which is considered to be more convenient nearer to the highway with regard to waste, and more secure with regard to cycle storage being located in the basement of the proposed building.
- 7.6 Both schemes retain the trees subject of a Tree Preservation Order to the northwest corner and south east corner respectively.
- 7.7 Taking into account the similarities between the extant consent and the scheme proposed, it is considered that the site benefits from the principle of developing the site for the residential use, and the scale of development.
- 7.8 Also, the application site is located within a settlement boundary as designated by the maps contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). The proposed development would represent a reuse of previously developed land within a sustainable location. Therefore, the proposal is in accordance with Policy SP1.
- 7.9 Within Policy SP18, proposals will be favoured which assist in the regeneration of the urban area, particularly where they contribute to the vitality, viability and quality of the environment of the city centre, the provision of residential opportunities within the urban area, and the

reuse of derelict land. The application site in its current form is fire damaged and currently unable to be used for any function, whether this is commercial or residential. The redevelopment of this derelict site to provide residential properties would be in accordance with the aims of Policy SP18.

Drainage

- 7.10 The developable area subject of the application would exceed 100sqm; therefore this would trigger the need for sustainable drainage systems and separate approval from the Sustainable Drainage team via the SAB application process. As this process is controlled via the Flood and Water Management Act 2010, a duplication of controls regarding drainage are considered to not be required under the planning considerations. Therefore, subject to the proposal gaining approval for any proposed drainage scheme from the SAB department, the proposal is considered to be in accordance with Policy SP4.
- 7.11 No objection has been received from Dwr Cymru and they provide confirmation that capacity exists in the foul drainage network to receive domestic foul waste. In line with their comment, a foul drainage strategy is secured by condition and development shall commence in accordance with the agreed details.

Climate Change

- 7.12 The proposal is to be fitted with water savings devices to a maximum allowance of 110lts of water per person per day. It is acknowledged that the site may provide an opportunity to reuse some of the materials from the existing building. However, due to the fire damage, it is considered that to attempt to reuse any of these materials would not be appropriate and add additional unnecessary costs to the scheme. The proposed development would be subject to the relevant Building Control regulations with regard to efficacy of heating systems and insulation measures. Therefore, the proposal is considered to be in accordance with Policy GP1.

Amenity

- 7.13 No windows are proposed to the side elevations of the building, save for the 1no. rooflight to the side elevation roof slope serving the bedrooms of Flats 9 and 10. Therefore, the proposal would not result in overlooking toward 8 or 10 Gold Tops from the side elevation. It is noted that balconies are proposed to the rear elevation serving apartments 2, 3, 6 and 7. The proposed balconies are considered to not lead to overlooking toward each other due to the central gable projection intervening. Due to the balconies being set off the outside edge of the rear elevation, this has resulted in any views looking back toward 8 and 10 Gold Tops to be blocked. The 45 degree view splay from the rear balconies would not overlook the rear amenity space of 8 or 10 Gold Tops.
- 7.14 It is noted a previous scheme permitted the residential development of 8 Gold Tops to form 9no. flats under reference 14/1062. There are 3no. windows to the west side elevation of 8 Gold Tops; two at ground floor and one at first floor. The two windows at ground floor serve the bedroom of Flat 6 and kitchen of Flat 7 respectively, with the first floor window serving the bedroom of Flat 8. The proposed development would be positioned 4.8m off the shared boundary with this neighbouring building and it occupies the same position; and has a similar scale/massing as the extant scheme. Given this, it is considered that the proposal is acceptable in terms of its impact on the neighbouring occupiers.
- 7.15 The siting of the building would be set back 3.1m further into the site when compared to the position of the existing building from the highway of Gold Tops. This would result in the building being back by 6m from the boundary edge of the application site to the proposed front elevation facing Gold Tops. Therefore, the proposed building would have a separation distance with the adjacent neighbouring property of St Cecilia Court of 29m. With regard to the separation distance being increased and the intervening highway, it is considered views from the front elevation looking toward Gold Tops, would not result in overlooking of adjacent properties.
- 7.16 Furthermore, the separation distance from the rear elevation of the proposed building and the common boundary with 33 Godfrey Road would be 18m, and 23.8m to the rear elevation of 33 Godfrey Road. Due to the separation distances, it is considered the proposal would not lead to overlooking of neighbouring properties to the rear.

- 7.17 The proposed layout results in the building being set off the common boundaries to all sides and would not extend beyond the front or rear building line as existing. Taking the layout and orientation into account, the proposed development would not lead to the loss of daylight, sunlight or overshadowing of neighbouring properties.
- 7.18 The character of the area is a mix of residential and commercial, that being professional service businesses. The proposed residential use would represent a complementary use within the area providing high quality residential development. The design incorporates a large amount of fenestration to the front and rear elevations. Views from these areas would overlook the communal parking area and amenity space to the rear and dedicated parking to the front. This is considered to provide overt surveillance of these areas; therefore it is considered that the design has sought to design out the opportunity for crime and anti-social behaviour.
- 7.19 The New Dwellings Supplementary Planning Guidance sets out the private amenity space requirements for flats as detailed below:

Type of home	No. of beds	Type of amenity space	Desired space
Flat	1	Balcony	1.50 square metres (depth) x 1.50 square metres) width
Flat	2	Balcony	1.50 square metres (depth) by 2.00 square metres (width)
Flat	3	Balcony	1.50 square metres (depth) x 3.00 square metres (width)

- 7.20 The private amenity space afforded to each apartment is listed below:

Flat Number	No. of beds	Type of amenity space	Space provided (sqm)
Flat 1	2	Patio	50.5
Flat 2	2	Balcony	6.7
Flat 3	2	Balcony	6.8
Flat 4	2	Patio	36.9
Flat 5	2	Juliette balcony	0
Flat 6	2	Balcony	15
Flat 7	2	Balcony	15
Flat 8	2	Juliette balcony	0
Flat 9	3	n/a	0
Flat 10	2	n/a	0

- 7.21 The private amenity spaces afforded to the flats, excluding flats 5, 8, 9 and 10 exceed the desired private amenity space guidelines as set out within the New Dwellings SPG. The proposed layout does also provide a communal amenity space of 264sqm to the south of the proposed building. It is noted that the space requirements under the New Dwellings SPG are *desired* standards and not compulsory standards. Therefore, on balance, taking into account the amount of communal and private amenity space afforded to any future occupants, it is considered the layout provides sufficient levels of amenity space to future occupants. The proposal is considered to be in accordance with Policy GP2.

Highways and Accessibility

- 7.22 The proposed layout includes the provision of a new vehicle access from Godfrey Road leading to the proposed parking area at the rear of the building. Also, 4no. parking spaces are located to the front elevation adjacent the highway of Gold Tops.

- 7.23 Regarding the proposed access from Godfrey Road, the Highways Officers comments are noted indicating the need for adequate visibility splays to ensure a safe and efficient use of the highway network. The previously permitted scheme had the same access in the same location as that proposed and demonstrated that a visibility splay of 2.4m x 43m was achievable looking south along Godfrey Road. As this road is one-way, a visibility splay looking north along Godfrey Road is not required as vehicles would not be travelling in this direction. Therefore, the view is taken that the provision of a visibility splay to meet required standards is possible from the proposed new access; as such, to ensure development is carried out in the correct manner, notwithstanding the details submitted, a plan will be secured by condition to demonstrate the visibility splay at the proposed new access onto Godfrey Road.
- 7.24 To the front elevation of the proposed building, 4no. off street parking spaces are proposed in a side-by-side arrangement. Godfrey Road is a one way street and the site is located 24m from the junction with Godfrey Road. The parking arrangement replicates that as existing on the neighbouring property of 10 Gold Tops. Therefore, taking into account the distance of the application site to the junction with Godfrey Road, it being a one-way system, the likely low speeds due to drivers turning the corner into Gold Tops and the existing arrangement at the neighbouring property having the same parking layout; it is considered that the parking arrangement to the front elevation of the proposed building is acceptable. As such, the proposed development is in accordance with Policy GP4.

Natural Environment

- 7.25 A protected horse chestnut tree (TPO 8/1986 T22) is located to the south eastern corner of the site. The application is supported by an up to date tree survey carried out by Treescene Arboricultural Consultants in accordance with BS5837:2012, dated May 2022. The report confirms that the horse chestnut is of fair physiological condition however is heavily colonised by ivy and there is evidence of some crown thinning. The estimate life expectancy is 20-40 years.
- 7.26 It is noted that a previous application 05/0126 was refused and dismissed at appeal due to a parking area that was proposed under the canopy of the protected horse chestnut tree. The appeal decision APP/G6935/A/05/1193626 considered that the use of a no dig surface to serve as the parking area would overcome concerns regarding compaction of the root ball.
- 7.27 The Tree Officer has raised objection to the proposed scheme based on the proximity of the parking area to the TPO'd horse chestnut tree and query regarding the levels of the parking area and limiting any impact on the horse chestnut tree. The layout proposed under the current application is the same as that previously approved under application 14/1250 which also took account of the previous Inspectors decision as set out above.
- 7.27 The proposed scheme would be materially different to that refused and dismissed under application 05/0126 and APP/G6935/A/05/1193626; those differences being that no parking is situated under the canopy of the horse chestnut or within the root protection zone. Furthermore, details can be secured by condition to ensure car parking spaces closest to the adjacent root protection area are formed of a 'no dig' permeable surface. Therefore, it is considered the proposal would not result in a detrimental impact on the health of the tree to a degree to warrant a refusal of the application on those grounds.
- 7.28 It is noted that the yew tree subject of TPO 8/86 T18 is to be retained to the front boundary onto Gold Tops with pea gravel laid around the base. It is considered that retention of the tree and the landscaping of pea gravel around the root base would not lead to harm on the root system of the tree.
- 7.29 The proposal includes a landscaping scheme which is considered to result in an enhancement when compared to the site as existing. It is noted that all development should result in a net gain in biodiversity. The proposal site represents an opportunity to secure these biodiversity enhancements through the inclusion of bird and bat boxes/tiles/bricks integrated into the elevations of the building.
- 7.30 The application is supported by a Preliminary Roost Assessment. This assessment concludes that there is negligible potential for a bat roost to be present, however there is

potential for the destruction of active bird nests. The impact on birds nest can be mitigated by development works taking place outside of the nesting season. Furthermore, the report makes recommendations on the specific biodiversity enhancements for bats and birds. Therefore, these recommendations and mitigation measures are secure by condition. Taking all the above into account, the proposal is considered to accord with Policy GP5.

Quality of Design

- 7.31 The surrounding area is characterised by a mix of professional services and residential properties and are large buildings within relatively large plots. The proposed building would be visible from public view points on Gold Tops and Godfrey Road. Due to the site levels, the proposal takes advantage of this resulting in a three storey building when viewed from Gold Tops, and a 4 storey building when views from Godfrey Road.
- 7.32 A street scene and section drawing has been included with the submission which shows the relationship of the proposed building with the neighbouring buildings. These drawings show that the overall height of the building proposed would not exceed the overall height of the existing building as was before the fire damage – *Figure 1* below. The proposed building would have a separation distance with the neighbouring property of 8 Gold Tops of 4.6m and 8m with 10 Gold Tops. Therefore, due to the scale and massing being similar to that of the existing building and the separation distances with the immediate neighbouring buildings, it is considered that bulk and massing of the proposal would not adversely impact the public views.

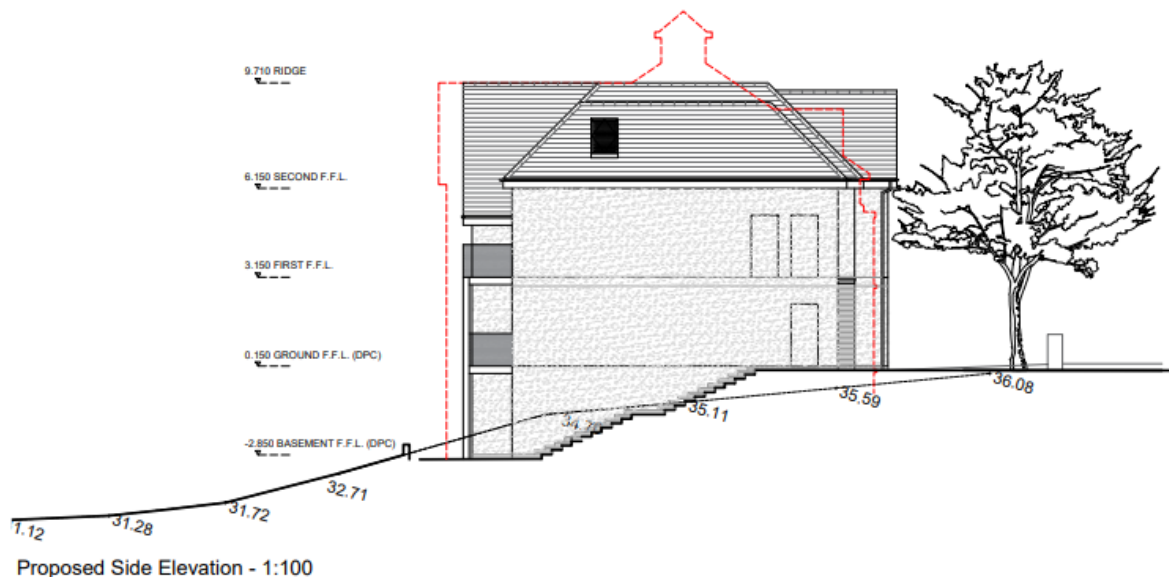


Figure 1: Proposed side elevation showing outline of existing building (dashed red line) and the proposed development.

- 7.33 The overall design has taken inspiration from the previously permitted scheme. Therefore, this has resulted in the winged design proposed. The elevation facing onto Gold Tops is balanced and symmetrical which is considered to positively contribute toward the street scene. Furthermore, the proposal would result in the reuse of derelict land and would represent as an enhancement of the immediate area in principle.
- 7.34 The Conservation Officers previous comments provided detailed comments on the historic layout; this confirms that the principal elevation is/was the south facing elevation. This is due to this elevation featuring the more ornate details with double fronted bay windows to the ground and first floor. It is understood this was the likely orientation to take advantage of the far-reaching views across Newport at the time. The image below, *Figure 2*, shows the visual prominence and period design features of the existing building as viewed from Godfrey Road.



Figure 2: Street view image showing the period features and principal elevation of the existing building to the right of the picture.

- 7.35 The proposed development would require the opening up of a new entrance at Godfrey Road thereby increasing the visual prominence of the proposed building from public views on the highway looking north. In reference to *Figure 2*, this access would be positioned between the telegraph pole and the brick pillar. The proposed rear elevation includes sufficient levels of architectural detail to be considered acceptable when compared against the existing period features of the existing building as shown above. In the context setting of the site, the proposed design would be supported.
- 7.36 The extant consent previously permitted the addition of 2no. two storey side extensions and replicated the period features to the wings by including bay windows. *Figures 3 & 4* below show that the permitted scheme retains the dominance of the existing building due to the subservient roof line and step back from the principal elevation.



Figure 3: Front elevation facing Gold Tops of previously permitted scheme 14/1250.



Figure 4: Rear elevation of previously permitted scheme 14/1250 facing Godfrey Road.

7.37 The proposed design would introduce a contemporary design approach with traditional features and it is considered that the design would result in a high-quality architectural design. Due to the listed buildings present in relatively close proximity, it is considered that particular consideration is required to ensure any development would not harm the special character and historic features of buildings and the wider area. As shown in *Figures 5 & 6* below, visually the proposal would introduce no additional bulk and massing when compared to the previously permitted scheme.



Figure 5: Proposed front elevation facing onto Gold Tops.

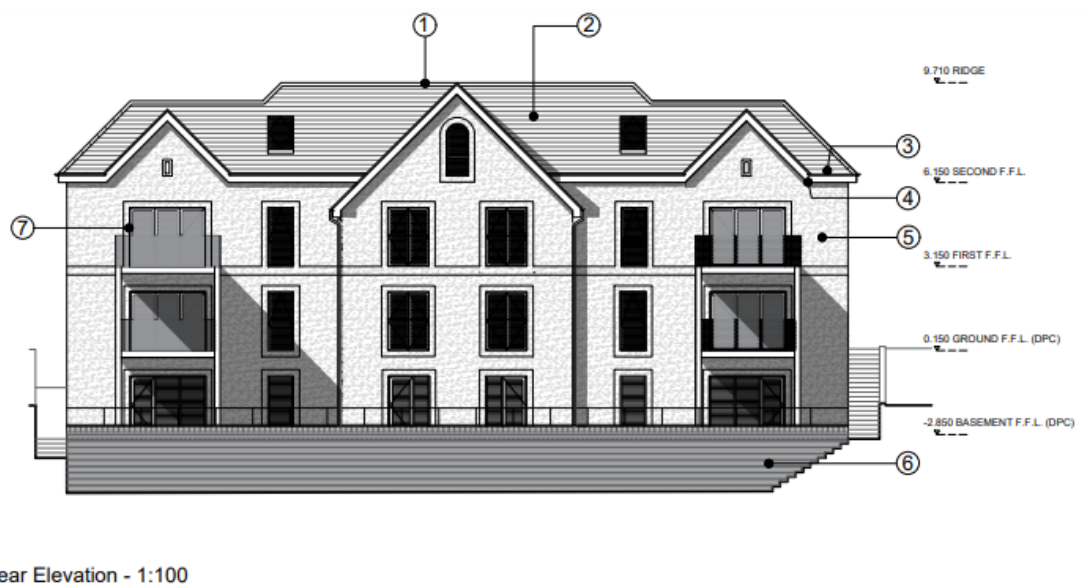


Figure 6: Proposed rear elevation facing onto Godfrey Road.

7.38 The design of the proposal is considered to have taken into full account the special qualities and character of the area. Therefore, the proposal, although contemporary, does preserve

the special character of nearby listed buildings. The proposal is in accordance with Policy GP6.

Environmental Protection and Public Health

- 7.39 Due to the nature of the demolition works proposed, additional details are required and can be secured by condition regarding a Construction Environment Management Plan. This plan would include dust and noise mitigation measures, hours of construction, delivery times lighting and vibration. Subject to the attachment of such a condition, the proposed demolition works and erection of the building would not lead to an adverse impact on the amenity of neighbouring properties. The proposal is in accordance with Policy GP7. The recommended conditions with regard to acoustic mitigation would be controlled via Building Regulations 2010; therefore to attach conditions requiring the submission of details would be considered as a duplication of controls and unnecessary thereby not meeting the six tests for the attachment of conditions.

Housing Mix and Density

- 7.40 Residential development of 10 dwellings or more should be designed to provide a mix of housing to meet a range of needs and should be built at a density of at least 30 dwellings per hectare. Therefore, using the formula as below:

$$\text{Number of dwellings per hectare} = \frac{\text{Number of dwellings}}{\text{Site Area (Hectares)}}$$

This would result in the figures:

$$\frac{10 \text{ (number of dwellings)}}{0.12847 \text{ (site area in hectares)}} = 77.839 \text{ dwellings per hectare}$$

- 7.41 The proposed development would exceed the lowest density level permitted under Policy H3. Furthermore, Future Wales – The National Plan 2040 states one of the strategic placemaking principles regarding density is that new developments in urban areas should achieve a density of at least 50 dwellings per hectare. The proposed density is also in accordance with this strategic placemaking principle.

Self Contained Accommodation and Houses in Multiple Accommodation

- 7.42 The subdivision of the site into self contained accommodation would not harm the character and setting of the existing mixed use professional services and residential area. Sufficient amenity space is provided for future occupants and the scale and intensity would not harm the wider character of the area. Noise insulation would form part of the specific conditions as recommended by the Environmental Health Officer. The proposal is considered to be in accordance with Policy H8.

Parking

- 7.43 The proposed layout includes the provision of 15no. off street parking spaces and the provision for 20no. secure cycle storage within the basement of the building. The site is located within Parking Zone 3. Referring back to the Officers report of the previous application 14/1250, the previous business use generates the need for 10no. off street parking spaces with only 8 of those spaces being provided within the site.
- 7.44 The Highways Officer sets out to comply with the Parking Standards SPG, 23no. off street parking spaces are required. However, the sustainability of the site can be taken into account which may warrant a reduction in the number of spaces required. Furthermore, a recent appeal decision CAS-01786-S4X0Y7 found that the Parking Standards SPG is *guidance* and should not be applied rigidly. Furthermore, the Parking Standards SPG refers to consideration of merits of the scheme, the sustainability of the location and local circumstances. Also, *Planning Policy Wales 11 contains a section in Chapter 4 on car parking. It states that parking provision should be informed by the local context, including accessibility to public transport and the objective of reducing reliance on the private car, which will support a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down and should apply parking standards flexibly.*

- 7.45 Therefore, in line with the approach above, the provision of 15no. off street parking spaces and 20no. secure cycle storage, while falling below the parking standards guidance, when assessing the application in its context and proximity to Newport Train Station (217m southeast of the site) and being in walking distance to the City Centre Shopping Area, it is considered this site would be a realistic location where walking and cycling would be a realistic alternative to a car. This modal shift away from reliance on private vehicles is advocated within PPW and this proposal accords with those aims. It is therefore considered that the proposal provides sufficient levels of off-street parking and secure cycle storage in accordance with Policy T4.

Waste

- 7.46 The consultation response from the Waste Officer sets out the requirements for the communal bins and recycling containers. On the submitted layout plan, an area has been allocated for the provision of bin storage. It is not clear if the proposed storage provision can facilitate the size and number of bins as required by the Waste Officer. Therefore, to ensure the development is served by adequate facilities to store the bins required, a condition is attached to the recommendation, notwithstanding the bin storage details as shown on the submitted drawing *Site Plan (Drawing ref: JW1092-106)* to submit and agree details with the Local Planning Authority. Subject to condition the proposal is in accordance with Policy W3.

Section 106 Planning Obligation matters

Summary

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

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
Regeneration, Investment and Housing; Education; Leisure	To contribute toward off street affordable housing, education provision and leisure services.	£48,704 toward affordable housing. £38,068 toward provision and improvement of St Woolos Primary School. £29,741 toward provision and improvement at John Frost School. £39,116 toward upgrading and maintaining off-site play provision at Sorrell Drive and/or Barrack Hill play area.	Not agreed.	Yes. The proposal would not result in sufficient levels of profit in order to contribute toward affordable housing, education and leisure.

- 7.49 Viability

The applicant has set out that there are viability issues with being able to provide the sums required due to build costs and market conditions. This information has been independently

assessed and it is concluded that the scheme is unviable in being able to secure a contribution through a S106 agreement.

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

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

8.2 *Equality Act 2010*

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

8.3 Having due regard to advancing equality involves:

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

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

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

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

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

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

9. CONCLUSION

9.1 The proposed development is not in accordance with the national and local aims of Planning Policy Wales (Ed. 11) and 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 and Block Plan (Drawing ref: JW1092-100), Topographical Survey (Drawing ref: JW1092-101), Existing Plans & Elevations (Drawing ref: JW1092-102), Existing Approved Plans (Drawing ref: JW1092-103), Existing Approved Elevations (Drawing ref: JW1092-104), Existing Approved Elevations (Drawing ref: JW1092-105), Site Plan (Drawing ref: JW1092-106 Rev B), Proposed Plans (Drawing ref: JW1092-107 Rev A), Proposed Elevations (Drawing ref: JW1092-108 Rev B), Proposed Elevations (Drawing ref: JW1092-109 Rev B), Energy Statement (Received: 20/06/2022), Design & Access Statement – June 2022 (Received: 20/06/2022), Preliminary Roost Assessment (Received: 20/06/2022), Tree Constraints Plan (Received: 20/06/2022), Tree Survey (Received: 20/06/2022), Site Levels (Drawing ref: JW1092-110).

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 Prior to the commencement of development (excluding demolition), details of the bird and bat tiles/bricks/boxes shall be submitted to and agreed in writing by the Local Planning Authority. The bird and bat tiles/bricks/boxes proposed shall accord with the recommendations of the Preliminary Roost Assessment as set out within Section 4, Table 5 – Biodiversity Enhancements. Development shall be carried out in accordance with the agreed details and retained for the lifetime of development.

Reason: To provide nesting/roosting for birds/bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

03 No development (excluding demolition) shall commence until full details of the proposed boundary treatments, including section details of the access onto Godfrey Road have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed in accordance with the approved details prior to the first occupation of the apartments and then maintained thereafter.

Reason: To ensure the development is completed in a satisfactory manner.

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

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

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

Reason: To protect important landscape features within the site.

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

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

Reason: To protect important landscape features within the site.

06 Prior to the beneficial occupation of any flat, the car parking spaces hereby approved for that development shall be provided in accordance with the approved plans and retained at all times thereafter.

Reason: To ensure the provision of adequate parking in the interest of highway safety.

07 Prior to the beneficial use of the site, waste storage shall be provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The waste storage shall be retained thereafter for the lifetime of the development.

Reason: In the interest of visual amenities and to ensure the site is served by adequate waste management facilities in accordance with Policy W3 of the Newport Local Development Plan 2011 – 2022 (Adopted January 2015).

08 Prior to the first beneficial use of the dwellings hereby approved, the cycle storage area as shown on the approved drawing Proposed Plans (Drawing ref: JW1092-107) shall be provided and be retained for such use for the lifetime of the development.

REASON: In order to promote sustainable forms of transport in accordance with Policy GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

09 Prior to the commencement of development (excluding demolition), details of the visibility splay to be provided at the proposed access onto Godfrey Road shall be submitted to and agreed in writing by the Local Planning Authority. Development shall commence in accordance with the agreed details and no landscaping or other features in the approved visibility splay shall exceed 0.6m in height above the relevant surface.

REASON: In the interests of highways safety and the efficient use of the highway network in accordance with Policy GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

10 No operations of any description (this includes all forms of development, demolition, tree felling, tree pruning, temporary construction access, soil moving and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until the Root Protection Barrier fencing has been installed in accordance with the approved Tree Protection Plan approved as part of condition 5. No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area. The fencing shall be retained for the full duration of the development.

Reason: To protect important landscape features within the site.

11 Notwithstanding the approved plans, prior to the commencement of development details of the four southern parking spaces and the two northern parking spaces closest to the root protection area associated with the Horse Chestnut shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include a no dig permeable surface. Development shall be carried out in accordance with the agreed details and retained for the lifetime of the development.

REASON: To safeguard the integrity of the roof structure of the protected tree.

12 Prior to commencement of the development hereby approved, a demolition method statement and a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 07:00 – 19:00 Monday to Friday daily, 08:00 – 13:00 Saturdays. No works to be undertaken on Sundays or bank holidays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site.

13 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water. Thereafter the scheme shall be implemented in accordance with the

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

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

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

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site and Block Plan (Drawing ref: JW1092-100), Topographical Survey (Drawing ref: JW1092-101), Existing Plans & Elevations (Drawing ref: JW1092-102), Existing Approved Plans (Drawing ref: JW1092-103), Existing Approved Elevations (Drawing ref: JW1092-104), Existing Approved Elevations (Drawing ref: JW1092-105), Site Plan (Drawing ref: JW1092-106 Rev B), Proposed Plans (Drawing ref: JW1092-107 Rev A), Proposed Elevations (Drawing ref: JW1092-108 Rev B), Proposed Elevations (Drawing ref: JW1092-109 Rev B), Energy Statement (Received: 20/06/2022), Design & Access Statement – June 2022 (Received: 20/06/2022), Preliminary Roost Assessment (Received: 20/06/2022), Tree Constraints Plan (Received: 20/06/2022), Tree Survey (Received: 20/06/2022), Site Levels (Drawing ref: JW1092-110).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP10, SP13, SP18, GP1, GP2, GP4, GP5, GP6, GP7, H3, H6, H8, T4, and W3 were relevant to the determination of this application.

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

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

05 The amended Wildlife and Countryside Act 1981 protects bird species whilst nesting in the UK. This protection extends to a bird, its nest, eggs, and young until such time as the young have fledged. Vegetation clearance should proceed outside the peak bird-breeding season (generally considered to be March through August inclusive) or within the breeding season only if a pre-clearance survey shows no breeding birds to be present, nesting or commencing nesting within the vegetation to be affected.

06 Caution should be exercised due to the possibility of encountering bat roosts unexpectedly during development work. In the event that a bat roost is found, work on the structure should cease immediately whilst advice is sought from the Countryside Council for Wales on 02920 772400.

07 Where there is a risk that bat roosts may be present, it is incumbent upon the owner to commission a specialist bat survey to identify bat roosts before instructing tree surgery to commence. Failure to do so and in the event of disturbing a roost site and upon conviction is an offence. Maximum penalties for committing offences relating to bats or their roosts can amount to imprisonment for a term not exceeding six months or fines of up to Level 5 on the standard scale under the Criminal Justice Act 1982/1991 (i.e. £5000 in April 2001) per roost or bat disturbed or killed, or to both.

08 Root Protection Areas for hedges (as referred to in the Conditions above) are calculated by multiplying the stem diameters by 12. Where they contain stems of differing sizes, which is usually the case, the larger diameters should be used.

09 The trees on this site are protected by Tree Preservation Order No. 8/1986 T22 and 8/86 T18.

10 The applicant is hereby informed that separate consent for works to the tree subject of the Tree Preservation Order would be required and that the granting of this consent does not convey consent for the tree works to be carried out.

2.

APPLICATION DETAILS

No: 22/1224 Ward: Graig

Type: Full Application

Expiry Date: 17th February 2023

Applicant: L Gooding

Site: Brynhedydd Pentre-Poeth Road Newport NP10 8LN

Proposal: **CONVERSION AND EXTENSION OF EXISTING BARNs TO PROVIDE NEW ANCILLARY ACCOMMODATION AND GARAGES (RE-SUBMISSION FOLLOWING PART REFUSAL OF 21/0934)**

Recommendation: REFUSED

1. INTRODUCTION

- 1.1 This application seeks the conversion and extension of existing barns at Brynhedydd, Pentre Poeth Road, to provide ancillary accommodation and garages. The application is a resubmission following the part refusal of previous application 21/0934.
- 1.2 The previous application was part refused under delegated powers. This application is brought before Planning Committee at the request of Councillor John Jones.

2. RELEVANT SITE HISTORY

08/1489	CONVERSION AND EXTENSION OF EXISTING BARNs TO PROVIDE NEW GUEST ANNEXE AND GARAGES AT BRYNHEDYDD	Granted conditions	with
14/1200	DEMOLITION OF EXISTING DWELLING AND ERECTION OF REPLACEMENT DWELLING	Granted conditions	with
21/0934	CONVERSION AND EXTENSION OF EXISTING BARNs TO PROVIDE NEW GUEST ANNEXE AND GARAGES, HOUSE ALTERATIONS INCLUDING NEW PORCH AND REPLACEMENT WINDOWS, BOUNDARY WALL, GATES, NEW GREENHOUSE AND LANDSCAPE IMPROVEMENTS (RESUBMISSION OF 08/1489)	Refused	

3. POLICY CONTEXT

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

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

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

Policy **SP8 Special Landscape Area** restricts development that may impact on the characteristics of the six designated Special Landscape Areas.

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

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

Policy **GP2 General Development Principles – General Amenity** states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.

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

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

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

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

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

Policy **H7 Annexes to Residential Dwellings** sets out the criteria for an acceptable self-contained annexe. The annexe is of limited size and provides only essential accommodation; it is as close as possible to the associated dwelling; there is a functional link between the dwelling and annexe; and the annexe is within the curtilage of the dwelling with no separate access or parking.

Policy **H10 Conversions in the Countryside** sets out the criteria for allowing conversions of buildings in the countryside. Reasonable attempts should have been made to secure a suitable business re-use; the building has not been constructed in the last 30 years; particularly in isolated locations, the building should have architectural/historical interest; the building is structurally sound; alterations should not have unacceptable adverse effects on the integrity of the internal structure; the use is not detrimental to the surrounding area; there is strict control over the curtilage and setting in terms of amenity space, vehicular access and parking; interests of wildlife are safeguarded; and the use should not conflict with agricultural interests in the area.

4. CONSULTATIONS

4.1 DWR CYMRU – WELSH WATER: No response.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF ENVIRONMENT AND PUBLIC PROTECTION (ECOLOGY): My comments for this application would be the same as I made for 21/0934 on 20th June 2022, although I note that for the present application, version 1.4 of the bat survey report dated 05/02/22 was submitted, whereas for the previous application version 1.5 dated 24/05/22 was provided. As my comments related to v1.5, I shall ignore v1.4.

5.1.1 As a general principle, survey work which is more than 18 months old will be regarded with caution, as certain species may colonise or leave an area in the interim period. Guidance published by the Chartered Institute of Ecology and Environmental Management (CIEEM) on the Lifespan of Ecological Reports and Surveys from April 2019 advises that is particularly the case with mobile species such as bats, and bat surveys greater than 18 months old

should be repeated. The bat emergence survey which detected the bat emerging from this property took place on 21st July 2021 so in theory its 'shelf-life' runs out at the end of January. However, for the purposes of this application I think we can rely on the existing survey and assume that the building supports a bat roost which is a 'low-risk' case.

- 5.1.2 When the Applicant applies for an EPS licence (Which NRW will only consider if planning consent is granted), it may be that NRW ask for the survey work to be repeated, especially if there is a delay between any consent and the application for an EPS licence. However, I believe that NRW apply a shelf-life of two years to bat surveys rather than 18 months, so it will be up to the Applicant and NRW as to whether the existing surveys are acceptable for licensing purposes.
- 5.2 HEAD OF ENVIRONMENT AND PUBLIC PROTECTION (LANDSCAPE): 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.
- 5.2.1 The site lies within the West of Rhiwderin Special Landscape Area so policy SP8 will apply. Proposals are required to contribute positively to the area through high quality design, materials, and management schemes that demonstrate a clear appreciation of the area's special features.
- 5.2.2 The proposal should meet the requirements of GP5 General Development Principles – Natural Environment:
v) there would be no unacceptable impact on landscape quality
vi) the proposal includes an appropriate landscape scheme which enhances the site and the wider context including green infrastructure and biodiversity networks.
vii) the proposal includes appropriate tree planting or retention where appropriate and does not result in the unacceptable loss of or harm to trees, woodland or hedgerows that have wildlife or amenity value
- 5.2.3 Development proposals should include ecological conservation and enhancements in line with the Environment (Wales) Act 2016 providing a net benefit for biodiversity (also referred to in PPW 2021).
- 5.2.4 The main landscape impact will be the introduction of the picture window at first floor level, while this provides distant views across open farmland, it will also provide distant views back onto a building that currently has an agricultural barn appearance.
- The window may be visible from the footpath heading south where hedgerow cover is very gappy, although this is at a distance of around 160m and at distance the window will be seen against the backdrop of the main house elevation which is further set back into the site.
 - The window will be visible from the road although only from a point-blank location as views are limited from the road due to dense vegetation and boundary walling in both directions.
 - There will also be some impact from light spill at night.
- 5.2.5 Views analysis from the footpath through the submission of photos at key points should be provided to illustrate that there will not be a negative impact from the picture window, taken as panoramas to illustrate the wide view. If impacts are identified, there may be an opportunity to mitigate through window redesign or through planting.
- 5.2.6 At this site there is limited room for planting as the elevation requiring mitigation is very close to the boundary and highway overhead wires may be a constraint, however this could be explored by a professional landscape architect.
- 5.2.7 In addition, securing successful retention of the frontage hedge during the construction phase is important to reduce visual impacts. A condition should ensure building works do not directly impact, and storage of materials and other operations that may damage vegetation should all be located away from the root protection areas.

- 5.3 HEAD OF ENVIRONMENT AND PUBLIC PROTECTION (TREE OFFICER): No objection.
- 5.4 HEAD OF ENVIRONMENT AND PUBLIC PROTECTION (ENV.HEALTH): No objection.
- 5.5 HEAD OF CITY SERVICES (HIGHWAYS): Highways consider that the proposed development will not offer an unacceptable impact on the highways.
 - 5.5.1 The site is located on the B4288 Pentre-Poeth Road, a classified rural lane bounded by hedgerows, with no footways or street lighting, a classified road subject to the national speed limit. The site has 2 access points, from Pentre-Poeth Road to the south and Coc-Y-North Lane to the north.
 - 5.5.2 It is proposed that the site will be accessed as existing, off the main drive at the front and also from the repositioned gates off the rear lane, which will be used mainly for maintenance access purposes. The Proposed Plan 2591-0109 rev C sets out the new position of the access gate off Coc-Y-North Lane. Its design and location having being previously approved (21/0934), as seen in the approved drawing 591-0109 rev A. The relocated position is considered to offer betterment when compared to the existing access, this by reason of allowing the access to be more easily accessed from both directions of Coc-Y-North Lane.
 - 5.5.3 If the gates are closed, the proposed position of the gates does not allow for a vehicle to be able to pull completely off the highway. This is because the space between the gates and the road edge is less than the recommended 5.5 metres length. It was and is recommended the gates would be set back to create the 5.5 metre space between road edge and the gates, however it is noted this was a consideration in the previous application (21/0934), that was then approved.
 - 5.5.4 It is expected that there will be a minor increase in vehicular trips in and out of the property. This was a consideration in the previous application (21/0934), that was then part approved. There is no evidence of any traffic incidents at the locations of the accesses.
 - 5.5.5 There will be sufficient parking spaces available within the site.
- 5.6 HEAD OF REGENERATION AND ECONOMIC DEVELOPMENT (HISTORIC BUILDINGS CONSERVATION OFFICER): No response.
- 5.7 HEAD OF CITY SERVICES (DRAINAGE): No response.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties within 100m of the application site were consulted (1 property). No responses.
- 6.2 COUNCILLOR JOHN JONES: Request the application be brought before the planning committee for their consideration and approval. It is the 2nd application which has been changed to accommodate the planning officers' concerns from the 1st application.
 - 6.2.1 The applicant, Mr Gooding, has suggested that it would be beneficial to meet face to face to discuss his amendments and try to secure the goodwill of the officers to his vision for the barn and the building housing his car collection. Mr Gooding assures me that his intention is to enhance the barn by investing substantial time and money to ensure it remains usable.
 - 6.2.2 The barn requires remedial work to the roof, walls, and inside timber beams etc. Mr Gooding would be happy to commit to completing the work to the highest standards. From joining the rear of the barn to the car storage building, importantly, he would also seek to use the same stone as the barn to enhance the appearance as if they were one building.
 - 6.2.3 The barn would be used as a small storage area on the ground floor and the roof area used as a small office for all the car documents etc. I strongly believe the application will not have any negative effect on the barn as the time, money and care Mr Gooding is willing to commit to the project will secure the future of the barn.

7. ASSESSMENT

- 7.1 The application site covers an area of 0.49 hectares. It comprises a substantial dwelling which was constructed in 2015 as a replacement dwelling under permission 14/1200. It is surrounded by landscaped gardens and is accessed from Coc-y-North Lane and Pentre-poeth lane. Substantial outbuilding are also set within the site, to the north of the existing house. They comprise a garage building, finished in render with three garage doors; and two stone barns. The garage and larger stone barn are subject of this application.
- 7.2 The site is located outside of the settlement boundary, within the Countryside and a Special Landscape Area (West of Rhiwderin).
- 7.3 The application seeks full planning permission for the conversion and extension of existing barns to provide a new ancillary accommodation and garages. It is a resubmission following the refusal of application 21/0934 (under delegated powers).
- 7.4 Application 21/0934 sought consent for 'conversion and extension of existing barns to provide new guest annexe and garages, house alterations including new porch and replacement windows, boundary wall, gates, new greenhouse and landscape improvements'. The house alterations, boundary walls, gates, greenhouse and landscaping were approved under application 21/0934 whereas the barn conversion and extension were refused.
- 7.5 Application 21/0934 was refused for the following reasons:
- 01 The proposed development fails to satisfy criteria (i) and (iii) of policy H7 of the Newport Local Development Plan 2011-2026 (adopted January 2015). It would provide substantial accommodation (including a triple garage), which is more than essential accommodation, supplementary to the facilities and accommodation available in the associated dwellinghouse, and it fails to demonstrate a functional link between the building and the main dwelling. In accordance with the supporting text to policy H7, the proposal is assessed as a new dwelling.*
- 02 The proposed development, by reason of the insertion of large garage doors, dormer style windows and inter-linking extension with a more modern building, would result in the loss of the historic and agricultural character of this modest traditional farm building and would harmfully impact the rural character of the surrounding Special Landscape. This is contrary to policies SP5, SP8, GP6 and H10 (iv) of the Newport Local Development Plan 2011-2026 (adopted January 2015).*
- 03 The proposal would result in an intensification of vehicular movements to and from the site and the application has failed to demonstrate that adequate visibility can be achieved from the Coc-Y-North Lane and Pentre-poeth Road accesses. This is harmful to highway safety and is contrary to policies GP4 and H10 (vii) of the Newport Local Development Plan 2011-2026 (adopted January 2015).*
- 04 The proposal fails to provide adequate separate and private outdoor amenity space to serve the proposed residential accommodation. This is harmful to future residential amenity and is contrary to policies GP2 and H10 (vii) of the Newport Local Development Plan 2011-2026 (adopted January 2015).*
- 05 The proposal results in an unsustainable form of development in the countryside, which lacks access to services within a safe walking or cycling distance. This contributes to unsustainable travel patterns as a result of an over reliance on the private motor vehicle and is contrary to the sustainable transport hierarchy of Planning Policy Wales (Edition 11) and policies SP1 and GP4 of the Newport Local Development Plan 2011-2026 (adopted January 2015).*
- 7.6 The applicant has sought to address the reasons for refusal with some minor alterations to the plans. These include removal of a kitchen and utility room from the first floor of the stone barn and removal of dormer windows in its front elevation. No other amendments are proposed.

7.7 Further Planning history

7.7.1 Planning permission was granted in February 2009 for the conversion and extension of the existing barns to provide a guest annexe and garages. The proposal involved extending the footprint of the larger stone barn and linking to the garage building. The extension was over two floors and internally it would have provided a triple garage, entrance lobby, workshop and store on the ground floor, with three bedrooms, kitchen, dining room and living room on the first floor. It was a sizeable extension, extending above the height of both existing buildings and incorporating large glazing and a balcony in the north west elevation (facing towards Coc-y-North Lane). The applicants stated that the accommodation would be ancillary to the main dwelling and would house elderly parents. There were concerns from Officers that the scale of development and the accommodation it proposed was tantamount to a new dwelling. There were also other concerns about the design of the extension including its large size, large garage doors, dormer windows, balcony and chimney stack, which were considered, by Officers, to have a harmful impact on the historic and agricultural character of the traditional farm building. There were also concerns about the intensification of the access to Pentre-poeth Road, which had substandard visibility and no passing places.

7.7.2 The application was decided by Planning Committee who did not share the concerns of Officers. The minutes of the committee meeting note the following:

- Cllr Mrs Cornelious explained that this was a large house in approximately 4 acres with an access on to Cock-y-North Lane rarely used and a second onto Pentre-poeth Road with space to move off the road to allow vehicles to pass if necessary. The applicants would be prepared to provide more pull-ins if required. The proposals were in keeping with the modern garages clad to merge in with the surroundings. The occupants of the house were elderly and their son wanted to move back to live in the house which would be ancillary to the main house and not sold off.
- Cllr Williams supported the proposal. This had never been an agricultural property. There was the issue of access on to lane but this was reasonable. If this was in a town there wouldn't be a problem getting consent for a house in the garden.
- HPER (Head of Planning and Economic Regeneration) explained that there were no objections in principle to a barn conversion but they wanted to retain the character of the building. Members were referred to Policy H8 of the UDP.

7.7.3 Following a sub-committee site visit planning permission was granted subject to conditions. The conditions required details of materials and joinery, and it restricted the use of the accommodation as a guest annexe in association with the main dwelling.

7.7.4 Planning permission was granted in January 2015 for a replacement dwelling, which has been completed and is referred to as the main dwelling in this report. That permission includes a condition which removes most householder permitted development rights.

7.7.5 It should be noted that the applicant emphasises that this proposal is a resubmission of the previously approved annexe permission, which did allow for a greater creation of floorspace, including the provision of three-bedroom accommodation. Whilst this is noted, that permission was granted under the previous Unitary Development Plan with a different policy context and that permission expired in March 2014 and doesn't represent a fall-back position.

7.8 The proposals

7.8.1 It is proposed to infill the space between the garage building and the stone barn. The infill extension would measure 4.1m (w), 12.6m (l) and 5.8m (h), with a pitched roof which continues at the same height as the garage building roof. An extension off the stone barn north eastern elevation is also proposed. This would measure 2.75m (w), 6.2m (l) and 6.6m (h). The proposal would see the re-roofing of the stone barn, providing a uniform height of 6.6m. It would also incorporate one dormer windows, with small gabled roofs in its north elevation. On the ground floor it is proposed to insert three garage doors and an entrance door in the south elevation. There would be an entrance door in the east elevation and there would be a large oak framed glazing unit filling the west elevation gable at first floor. Internally the extension would provide a triple garage in the stone barn, with a living room, bedroom, bathroom and utility above. The infill extension would provide additional length to the triple

garage at ground floor, along with access to the first floor. The applicant states that the proposal would provide guest accommodation.

5.7 The principle of annexe/ancillary accommodation

5.7.1 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, Schedule 2, Part 1, Class E allows extensions and alterations to outbuildings without requiring planning permission subject to certain criteria (this is called permitted development). Extensions and alterations could only benefit from these permitted development rights if the use of the outbuilding remains ancillary to the main dwelling. In this case the proposal involves extensions and alterations to an outbuilding, but regardless of whether those works fall within the criteria of the Order, planning permission 14/1200 removed those permitted development rights.

5.7.2 The previous application showed that the proposed accommodation on the first floor would provide a kitchen/dining/living room, a utility room, a bathroom and a bedroom. When assessed under policy H7 (Annexes to Residential Dwellings) it was considered that the proposals did not satisfy the criteria of the policy and it did not represent annexe accommodation. That assessment is provided below:

5.7.3 *Policy H7 states that 'proposals for the provision of self-contained annexe accommodation will be permitted provided that:*

i) the proposed annexe is of limited size and provides only essential accommodation that is commensurate with the needs of the user and supplementary to the facilities and accommodation available in the associated dwellinghouse.

ii) the annexe is sited as close as possible to the associated dwellinghouse.

iii) it has been demonstrated that there is a functional link with the associated dwellinghouse in respect of the relationship with the occupiers of the associated dwellinghouse and the services/facilities available for the user of the annexe.

iv) the annexe is located within the existing curtilage of the associated dwellinghouse and no separate curtilage, vehicular access or segregated parking area shall be created'.

5.7.4 *The supporting text to the policy is equally relevant, it states "For the purposes of this policy, an annexe is defined as accommodation that is ancillary to a main dwellinghouse. This means that even a self-contained annexe must support a house in some way, not function independently of one. It follows, therefore, that a house and its annexe must occupy a single planning unit and share a vehicular access, a parking area and a garden. The Council will control the layout of any proposal in order to prevent the separation of an annexe from a main dwellinghouse. Any scheme that fails to demonstrate a reasonable degree of dependency between an annexe and a main dwellinghouse will be assessed as a proposal for a new dwelling".*

5.7.5 *Criterion i requires that the annexe is of a limited size, providing only essential accommodation, which is supplementary to the facilities available in the associated dwelling. It is proposed to increase the size of the buildings to provide the accommodation. Including the triple garage, the proposed floor space would be 230 sq.m and if considering the first floor accommodation only, 96 sq.m would be provided. As there would be an internal link from the ground floor garage to the first floor it is appropriate that the garage be considered as part of the annexe. The applicant has not stated that the garages are intended for any other purpose. It is considered that this is a substantial amount of accommodation for an annexe building. It would provide all the facilities for self-contained living, including kitchen, bathroom and utility room facilities. The applicant has not stated who the intended user is, only stating that it is for guest accommodation. It is considered that the proposal fails to satisfy criterion i.*

5.7.6 *Criterion iii requires there to be a functional link between the annexe and the main dwelling in respect of a relationship with the occupiers and services within the main dwelling. As above the proposed annexe provides all the facilities for self-contained living, with no need for the occupiers to access the main dwelling. There have been instances where this arrangement has been found acceptable, but only where there has been an element of dependency of the annexe occupier upon the occupiers of the main dwelling, such as an elderly relative. The applicant has been asked to clarify the nature of the intended occupiers, but little information*

has come forward, maintaining that it would be for guest accommodation. The proposal fails to satisfy this criterion.

- 5.7.7 *Criterion iv requires the annexe to be located within the existing curtilage of the associated dwelling, with no separate curtilage, access or segregated parking area. While the annexe would be within the curtilage of the dwelling, with no separate curtilage or access, it is proposed to provide separate parking to serve the annexe. This criterion is also not satisfied.*
- 5.7.8 *Overall, based on the lack of functional link between the annexe and the main dwelling, its substantial size and self-contained facilities including a triple garage, it is considered that the proposal fails to meet the requirements of policy H7. As set out in the supporting text to the policy, the proposal will be assessed as a new dwelling.*
- 5.7.9 This proposal now differs because it removes the provision of a kitchen and utility room. It therefore has an element of dependency on the main dwelling and could not be occupied as a self-contained dwelling. While the proposals still propose a significant addition to the building (its visual impact is dealt with in section 5.8) and could comfortably accommodate a kitchen area, it is considered that this could be suitably controlled through a condition if all other matters were considered acceptable. A condition could prevent it from being occupied independently or being sold or let as a separate unit, with no separate curtilage. With the imposition of this condition it is considered that the aims of policy H7 would be satisfied.
- 5.7.10 As the previous proposals did not satisfy the criteria within policy H7 it was assessed as a new dwelling and policy H10 was relevant. Reasons refusal 3, 4 and 5 were as a result of this assessment as a new dwelling, i.e. adequate highway visibility had not been demonstrated, there was inadequate separate and private outdoor amenity space for future occupiers and it was an unsustainable form of development, with an over reliance on the private motor vehicle. As the current proposal is not assessed as a new dwelling then these reasons for refusal fall away.
- 5.7.11 Notwithstanding that the proposal satisfies policy H7 and is considered ancillary residential accommodation it still falls to be considered under policy H10 as this policy deals with the conversion of building to residential use, although it is noted that it is not being assessment as a separate dwelling, which is different from the previous application. The policy states that providing the following criteria are met, then conversion to residential use (outside of the settlement boundary) will be permitted:
- i) the applicant has made every reasonable attempt to secure a suitable business re-use, and the application is supported by a statement of the efforts that have been made;
 - ii) the building has not been constructed in the last 30 years;
 - iii) particularly in isolated or sensitive locations, the buildings should have architectural or historic merit in order to secure retention;
 - iv) a detailed structural survey shows the building to be structurally sound and capable of conversion without adversely affecting the structure or requiring the substantial reconstruction of the external walls;
 - v) any alterations should not have an unacceptably adverse effect in terms of the integrity of the original structure, including internal features, external cladding, external openings, skyline, silhouette, roof planes and the immediate landscape of the building;
 - vi) the proposed use is not detrimental to the character or appearance of the surrounding area or group value of adjoining buildings and does not require the provision of unsightly infrastructure;
 - vii) there is strict control over the curtilage and setting of the buildings in terms of amenity space, vehicular access and parking;

- viii) the interests of protected wildlife species inhabiting the structure are safeguarded;
- ix) the proposed use should not conflict with agricultural interests in the area.

- 5.7.12 Criterion i: the application proposes ancillary residential accommodation. As such no efforts to secure a business re-use of the building have been pursued. Notwithstanding this, the buildings are located entirely within the existing residential curtilage, with close association with the main dwelling and associated garages. It is considered that a business use of the building would be an un-neighbouring form of development and is unlikely to be acceptable. This criterion is considered to be satisfied.
- 5.7.13 Criterion ii: the main conversion works involve the stone barn which is clearly over 30 years in age. This criterion is satisfied.
- 5.7.14 Criterion iii: the stone barn is considered to have architectural and historic merit. This criterion is satisfied.
- 5.7.15 Criteria iv and v: a structural report has been provided. It notes that it provides an update to the previously accepted structural report of the 2009 permission. The report concludes that the barn is 'in exceedingly sound structural condition and one of the main reasons is because the roof covering has kept the barn in a dry condition. The report makes some recommendation about the conversion works and a condition could ensure compliance with those recommendation. It is considered that the proposed alterations would not affect the integrity of the main structure and would not involve the construction of significant structures. Any alterations would not effect the original structures including the addition of external openings, alteration to the skyline and roof planes. These criteria are satisfied.
- 5.7.16 Criterion vi: this criterion is discussed in greater detail in section 5.8. To summarise the proposal represents poor design which does not respect the rural characteristics of the surrounding area and Special Landscape Area; nor the agricultural character of the surviving barn buildings and their setting. It is considered that criterion vi is not satisfied.
- 5.7.17 Criterion vii: as the application proposes ancillary accommodation no separate residential curtilage, amenity space and access is proposed. While this might be required for a separate dwelling ancillary accommodation would have the benefit of the existing curtilage, amenity and access. It is considered that this criterion is satisfied.
- 5.7.18 Criterion viii: consideration of protected species is set out in section 5.10, but to summarise there would be no harmful impacts to protected species and this criterion is satisfied.
- 5.7.19 Criterion ix: there is no agricultural use of the site and as such this criterion is satisfied.
- 5.7.20 Overall there is conflict with policy H10, criterion vi. The proposal represents poor design which does not respect the rural characteristics of the surrounding area and Special Landscape Area; nor the agricultural character of the surviving barn buildings and their setting.

5.8 **Design and impact on the countryside**

- 5.8.1 Policy SP5 states 'development in the countryside (that is, that area of land lying beyond the settlement boundaries shown on the proposal and inset maps) will only be permitted where the use is appropriate in the countryside, respects the landscape character and biodiversity of the immediate and surrounding area and is appropriate in scale and design. housing development, rural diversification and rural enterprise uses, beyond settlement boundaries, will only be appropriate where they comply with national planning policy'.
- 5.8.2 Policy SP8 states '...proposals will be required to contribute positively to the area through high quality design, materials and management schemes that demonstrate a clear appreciation of the area's special features'.
- 5.8.3 Policy GP6 requires good quality design in all forms of development.

- 5.8.4 The surrounding area is rural in character and the existing stone barns are typical of such a setting, however the main dwelling and garage building differ in character. The main dwelling, which was constructed in 2015 has a modern appearance, with some Victorian features. The garage building is a simple rendered building.
- 5.8.5 The proposed design of the extension and alterations is not dissimilar to the 2008 consent, although the extent of glazing and size of extension has now been reduced. There were previously concerns by Officers that the creation of three garage doors would result in the loss of the original openings and the dormer windows would erode the character of the largely unaltered barn building. They also considered that the large glazing areas (which are now reduced) would be an alien feature on an agricultural building, and the linking of the barn and garage building would upset the scale of a modest, detached agricultural building.
- 5.8.6 At that time Planning Committee did not share those concerns and granted permission however, there has been a considerable passage of time since that permission and Officers are entitled to reach different conclusions if there have been material changes in policy or site circumstances. Planning Policy Wales (Edition 11, February 2021) brings a placemaking agenda, with a greater emphasis on local distinctiveness and the special characteristics of an area. In paragraph 3.9 it states *'The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement'*. In paragraph 3.10 it states *'In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important'*.
- 5.8.7 While the scale of extension and extent of glazing has been reduced from the 2008 consent and the front elevation dormers have been removed from the 21/0934 refusal, the concerns of the previous 2008 Officer are echoed for this proposal. Furthermore, the application site has an additional designation of a Special Landscape Area, which recognises the special characteristics of the area. Policy SP8 requires development in these areas to contribute positively to the area through high quality design. The Councils Landscape Officer notes that there would be distant views of the glazed gable feature, and this would be the main landscape impact. As previously assessed, it is considered that the proposed alterations and extension would significantly change the character of this agricultural building. At present the grouping of the two stone barn buildings provide some sense of the area having once formed part of an agricultural setting, and the linking of the garage building with the stone barn, along with the glazing and garage door additions would destroy what little agricultural character survives.
- 5.8.8 It is considered that the proposal represents poor design which does not respect the rural characteristics of the surrounding area and Special Landscape Area; nor the agricultural character of the surviving barn buildings and their setting. This is contrary to policies SP5, SP8 and GP6.
- 5.9 **Highways**
- 5.9.1 The site has two access points, from Pentre-Poeth Road to the south and Coc-y-North Lane to the north. Both roads are rural lanes, bounded by hedgerows, with not footways or street lighting. As ancillary accommodation the proposal would not result in the intensification of the existing accesses, nor would there be any additional parking requirements. It therefore satisfies policy GP4.
- 5.10 **Protected species**
- 5.10.1 A Bat Survey report has been submitted (dated May 2022), the methodology and conclusions of that report are supported by the Councils Ecologist.

- 5.10.2 The Ecologist notes that one bat was detected roosting in the stone barn. In accordance with the NRW Approach to Bats and Planning Good Practice Guide 2015, the roost constitutes a 'Low Risk Case' and there is no requirement to consult NRW providing the recommendations of the Bat Survey Report are implemented. The Ecologist recommends that the mitigation and compensation measures set out in the report are implemented and secured through a condition.

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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

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 works to extend the stone barn and garage building represents poor design which does not respect the rural characteristics of the surrounding area and Special Landscape Area;

nor the agricultural character of the surviving barn buildings and their setting, this is contrary to policies SP5, SP8, GP6 and H10 of the adopted Newport Local Development Plan 2011-2026.

9.2 It is recommended that planning permission is refused.

10. RECOMMENDATION

REFUSED

01 The proposed development, by reason of its scale, the insertion of large garage doors, glazing and inter-linking extension with a more modern building, would result in the loss of the historic and agricultural character of this modest traditional farm building and would harmfully impact the rural character of the surrounding special landscape. This is contrary to policies SP5, SP8, GP6 and H10 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: 2591-0001-C, 2591-0009 rev A, 2591-0109-C, 2591-0111-C, 2591-0113 rev C, 2591-0114 rev B, 2591-0115 rev B, 2591-0116 rev A, 37860-8, 37860-9, 37860-10, 37860-11, Design and Access Statement (Yiangou Architects, December 2022), Bat Survey Report (Sylvan Ecology, May 2022) and Structural Report (David Fowler, June 2021).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP5, SP8, SP9, SP13, GP2, GP3, GP4, GP5, GP6, H4 and H7 were relevant to the determination of this application.

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

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Report

Appeal Decisions

Part 1

Date: 5th April 2023

Subject **Appeal Decisions**

Purpose To record the outcome of recent planning appeals

Author **Head of Regeneration and Economic Development**

Wards Rogerstone North, Marshfield & Tredegar Park

Summary In consultation with the Chair or Deputy Chair of Planning Committee, the Head of Regeneration and Economic Development has delegated powers to determine planning applications previously determined by Planning Committee. The following planning appeal decisions are reported to help inform future decisions.

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

Action by Planning and Development Manager

Timetable Not applicable

This report was prepared without consultation because it is a record of recent planning appeals to help inform future decisions.

Background

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

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

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

Work is carried out by existing staff and there are no staffing issues. It is sometimes necessary to employ a Barrister to act on the Council's behalf in defending decisions at planning appeals. This cost is met by existing budgets. Where an application is refused against Officer advice, during this interim arrangement, the Head of Regeneration and Economic Development, along with the Chair/Deputy Chair of Planning Committee will be required to assist in defending their decision at appeal.

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

Financial Summary

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

Risks

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

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

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

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

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

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

Not applicable. This report is a record of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Options Available

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

Preferred Option and Why

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

Comments of Chief Financial Officer

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

There is always a risk of a planning decision being challenged at appeal. 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 other than those referred to in the report or detailed above.

Staffing Implications: Comments of Head of People, Policy and Transformation

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

Local issues

Not applicable. This report is a record of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Equalities Impact Assessment and the Equalities Act 2010

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

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

Children and Families (Wales) Measure

Not applicable. This report is a record of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Consultation

Not applicable. This report is a record of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Background Papers

Not applicable

Dated: 27/03/2023

Planning Appeal	
Reference	22/0498
Address	50 Brunel Avenue
Development	Proposed two storey side extension, single storey front extension, conversion of garage, including new roof and single storey rear extension, linking to garage.
Appellant	Mr & Mrs R Taylor
Officer Decision	Refused
Committee Decision	N/A
Appeal Decision	Appeal dismissed

Planning Appeal	
Reference	22/0282
Address	107 The Meadows
Development	Single storey front extension to create enclosed porch and two storey side extension
Appellant	Mrs C Weber
Officer Decision	Refused
Committee Decision	N/A
Appeal Decision	Appeal Dismissed

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