

# Report

## Planning Committee

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### Part 1

Date: 3 October 2018

Item No: 5

**Subject** **Planning Application Schedule**

**Purpose** To take decisions on items presented on the attached schedule

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

**Ward** As indicated on the schedule

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

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

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

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

**Action by** Planning Committee

**Timetable** Immediate

This report was prepared after consultation with:

- Local Residents
- Members
- Statutory Consultees

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

## **Background**

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

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

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

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

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

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

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

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

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

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

## **Financial Summary**

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

## **Risks**

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

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

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

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

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

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

<b>Risk</b>	<b>Impact of risk if it occurs* (H/M/L)</b>	<b>Probability of risk occurring (H/M/L)</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its effect?</b>	<b>Who is responsible for dealing with the risk?</b>
determination, with costs awarded against the Council			unreasonably.	Development Services Manager
Judicial review successful with costs awarded against the Council	H	L	Ensure sound and rational decisions are made.	Planning Committee  Development Services Manager

\* Taking account of proposed mitigation measures

### **Links to Council Policies and Priorities**

The Council's Corporate Plan 2012-2017 identifies five corporate aims: being a Caring City; a Fairer City; A Learning and Working City; A Greener and Healthier City; and a Safer City. Key priority outcomes include ensuring people live in sustainable communities; enabling people to lead independent lives; ensuring decisions are fair; improving the life-chances of children and young people; creating a strong and confident local economy; improving the attractiveness of the City; promoting environmental sustainability; ensuring people live in safe and inclusive communities; and making Newport a vibrant and welcoming place to visit and enjoy.

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 links to other strategies and plans, the main ones being:

- Single Integrated Plan;
- Local Development Plan 2011-2026 (Adopted January 2015);

The Newport Single Integrated Plan (SIP) is the defining statement of strategic planning intent for the next 3 years. It identifies key priorities for improving the City. Its vision is: "*Working together to create a proud and prosperous City with opportunities for all*"

The Single Integrated Plan has six priority themes, which are:

- Skills and Work
- Economic Opportunity
- Health and Wellbeing
- Safe and Cohesive Communities
- City Centre
- Alcohol and Substance Misuse

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**

- 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.

## **Staffing Implications: Comments of Head of People and Business Change**

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

## **Local issues**

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

## **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**

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.

## **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.

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.

### Planning (Wales) Act 2015 (Welsh Language)

Section 11 of the Act makes it mandatory for all Local Planning Authorities to consider the effect of their Local Development Plans on the Welsh language, by undertaking an appropriate assessment as part of the Sustainability Appraisal of the plan. It also requires Local Planning Authorities to keep evidence relating to the use of the Welsh language in the area up-to-date.

Section 31 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. The provision does not apportion any additional weight to the Welsh language in comparison to other material considerations. Whether or not the Welsh language is a material consideration in any planning application remains entirely at the discretion of the decision maker.

### 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.

Objectives 1 (Sustainable Use of Land) and 9 (Health and Well-being) of the adopted Newport Local Development Plan (2011-2026) link to this requirement to ensure that development makes a positive contribution to local communities and to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

## **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 9 (November 2016)

Development Management Manual 2016

Minerals Planning Policy Wales (December 2000)

#### *PPW Technical Advice Notes (TAN):*

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

Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)

Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)

Welsh Government Circular 016/2014 on planning conditions

### **LOCAL POLICY**

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

#### Supplementary Planning Guidance (SPG):

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

### **OTHER**

The Colliers International Retail Study (July 2010) is not adopted policy but is a material consideration in making planning decisions.

The Economic Development Strategy is a material planning consideration.

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 are relevant to the recommendations made.

Other documents and plans relevant to specific planning applications are detailed at the end of each application report in the attached schedule



**APPLICATION DETAILS**

**No:** 18/0472      **Ward:** **ROGERSTONE**

**Type:** FULL

**Expiry Date:** 03-OCT-2018

**Applicant:** **KATE ROBERTS**

**Site:** **UNIT 10, ROAD B, WERN INDUSTRIAL ESTATE, NEWPORT, NP10 9FQ**

**Proposal:** **CHANGE OF USE TO A MIXED USE CAFE (A3) AND CHILDRENS PLAY AREA (D2) INSTALLATION OF EXTERNAL ACCESS RAMP AND STEPS WITH ASSOCIATED RAILINGS, INSTALLATION OF NEW DOOR AND GLAZING AND ALTERATIONS TO THE EXTERNAL APPEARANCE OF THE BUILDING**

**Recommendation:** Refused

**1. INTRODUCTION**

- 1.1 This application seeks full planning permission for the change of use of part of a building which was formerly used by Avana bakeries to a mixed use, comprising a café (Use Class A3) and a childrens play area (Use Class D2). It is also proposed to install an external access ramp and steps along with a new door and glazing. The building is within the Wern Industrial Estate in the Rogerstone Ward. Avana Bakery operated at the site for many years and the site has a whole is considered to fall within Use Class B2 (General Industry).
- 1.2 The application is brought before Planning Committee at the request of Councillor Deborah Wilcox for reasons that it is considered that the applicant has addressed parking concerns and that this is an acceptable redevelopment of this commercial site in Rogerstone.

**2. RELEVANT SITE HISTORY**

18/0301	CHANGE OF USE FROM USE CLASS B1/B2/B8 TO USE CLASS D2 (GYM AND FITNESS CLASSES)	Refused
18/0430	CHANGE OF USE FROM KITCHEN ASSOCIATED WITH FORMER BAKERY CANTEEN TO A3 (HOT FOOD TAKEAWAY)	Under consideration

**3. POLICY CONTEXT****3.1 Newport Local Development Plan 2011-2026 (adopted January 2015)**

Objective 9 (Health and Well-being) seeks to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

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

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

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

Policy **SP18 Urban Regeneration** supports development which assists the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land.

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

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

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

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

Policy **GP7 General Development Principles – Environmental Protection and Public Health** states that development will not be permitted which would cause or result in unacceptable harm to health.

Policy **EM1 Employment Land Allocations** allocates sites as employment land.

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

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

Policy **CF10 Commercial Leisure Developments** sets out the criteria for commercial leisure proposals outside of City and District Centres. They will need to have an assessment of need; demonstrate there are no suitable City, District or edge of centre sites; they do not undermine the vitality and viability of the City and District Centres; and the proposal does not have an unacceptable effect on the supply of employment land.

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

- Parking Standards SPG (August 2015)

## 4. **CONSULTATIONS**

4.1 DWR CYMRU – WELSH WATER: We can confirm we have no objections to this application. However, the applicant is advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

## 5. **INTERNAL COUNCIL ADVICE**

5.1 HEAD OF LAW AND REGULATION (CONTAMINATION): Advisory – to encourage the uptake of electric vehicles in efforts to improve air quality it is recommended that a number of parking spaces are installed with electric vehicle charging point(s).

5.2 HEAD OF LAW AND REGULATION (ENV. HEALTH): No objection subject to conditions requiring details of food preparation fume extraction, a restriction on the opening hours and a restriction on plant and equipment noise.

- 5.3 **TEAM MANAGER REGENERATION (ECONOMIC DEVELOPMENT):** Newport City Council is experiencing an increasing volume of enquiries in relation to large manufacturing facilities. Market monitors for 2018 confirm that transactions and yields are performing well at present across the industrial sector in Newport, with Newport's enviable location significantly enhanced as a result of the erosion of the Severn Bridge tolls at the end of the year. 22,000 sq ft has recently been let at Queensway Meadows to a food grade industrial occupier at a yield of 7.5%, evidencing a specific demand for food grade space. These data both bring into question the need to diversify uses on the Wern Estate due to a reported lack of demand, and also support the need for preservation of industrial units in order for Newport to take advantage of future economic growth potential in the industrial sectors.

The units at the Wern Industrial Estate are particularly well designed and located for businesses wishing to be on the Cardiff side of Newport and/or requiring access to the M4. Any further loss to leisure on this particular estate would therefore undermine the ability of the city to attract and accommodate the increasing industrial demand evidenced by recent sales activity. From an economic development perspective, I would therefore resist this change of use in order that the city is able to continue to attract and support inward investment and growth.

- 5.4 **PLANNING POLICY MANAGER:** The applicant must satisfy the requirements of LDP policies CF10 (Commercial Leisure Developments) for the children's play area and SP19 (Assessment of Retail Need) to satisfy the café A3 element.
- 5.4.1 A children's play centre is arguably a use best located within the city centre or a district centre. The Wern Industrial Estate would be classified as out of centre. Therefore the applicant must satisfy Policy CF10 of the LDP and demonstrate a need for the proposal and they must also do a sequential test to demonstrate that there are no suitable premises in sequentially preferable defined centres (City/District or edge of centre sites). They must also demonstrate that the proposal will not harm the vitality and viability of the city centre and district centres.
- 5.4.2 Need – the applicant will need to demonstrate the need for the children's play area in this location. Presumably some form of business case has been prepared to justify the opening of the facility. Quantitative and Qualitative evidence should be used to demonstrate the need. This information should also be used to demonstrate that the proposal will not harm the vitality and viability of the city centre and district centres (in order to satisfy criterion iii).
- 5.4.3 Sequential Test – The applicant must identify their requirements for the premises and evidence must be provided to demonstrate that no suitable alternative premises are available in sequentially preferable defined centres.
- 5.4.4 The applicant will also need to satisfy policy SP19 in terms of the A3 café use. There is overlap between policies CF10 and SP19. The applicant will need to consider whether the A3 use is necessary to support the children's play area, and therefore a sequential test and assessment of need for the combined project (A3 and D2) might be a more practical way to attempt to demonstrate compliance.
- 5.4.5 Policy R8 is also likely to be relevant with regard to the A3 use. The applicant must also satisfy Policy EM3.
- 5.4.6 It is understood that the site has been marketed, but it is unclear for how long. With regard to criterion ii), there is a surplus of employment land allocated within the Newport LDP, but the views of the Economic Development Officer should be sought in relation to employment land in this particular location of Newport and the type of facility that is potentially being lost. As this facility is already in existence, if it were lost, consideration needs to be given to whether there are other suitable existing facilities that could be utilised. Whereas there is a surplus of employment land allocated, any brand new facility would need to be planned and built, whereas existing facilities have the advantage of being so-called 'oven ready' and available at short notice. In terms of criterion iv), highways should be consulted and neighbouring properties and businesses will be able to give an indication on this matter as well.

- 5.4.7 The applicant has not provided the information needed to satisfy CF10, SP19 and EM3. Therefore the proposal cannot be supported.
- 5.5 HEAD OF CITY SERVICES (HIGHWAYS): The applicant has still not provided a commercial vehicle space or staff parking.
- 5.5.1 The proposed new parking spaces are remote from the site and the walking routes are via privately owned industrial roads with no dedicated footways, albeit pedestrian routes are marked on the carriageway with thermoplastic markings.
- 5.5.2 Given the industrial nature of the site and the absence of dedicated footways it is my view that safe pedestrian access has not been provided between the parking spaces and the site.
- 5.5.3 The remote nature of the parking spaces and the poor quality pedestrian routes will likely result in the parking spaces not being utilised and parking displacing to the highway. This would be obstructive to the manoeuvring and two way passing of vehicles on the highway, in particular HGV vehicles, and subsequently be detrimental to highway safety.
- 5.5.4 With consideration of the fact that the spaces are accessed over private land that is not in control of the applicant, I would also question whether access to the parking spaces could be guaranteed to be retained in perpetuity.
- 5.5.5 On the basis on the above concerns regarding parking and highway safety I would oppose this application.

## **6. REPRESENTATIONS**

- 6.1 NEIGHBOURS: All neighbours sharing a common boundary and opposite the application site were consulted (53 properties). No responses.
- 6.2 ROGERSTONE COMMUNITY COUNCIL: No response.

## **7. ASSESSMENT**

- 7.1 The application building is part of a much larger unit which was part of the former Avana bakery and has a floor area of roughly 7,000 sq.m. The site relates to the north eastern portion of the building and refers to a rectangular room measuring 30.9 metres in length and 12.4 metres in width. It has a floor area of 383 sq.m. The surrounding area is the Wern Industrial Estate and the site faces towards the main estate road. The surrounding uses are predominantly in use for industrial/storage purposes.
- 7.2 Externally it is proposed to replace an existing roller shutter door on the front elevation (north facing elevation) with a door, window and a fan light above. It is also proposed to block up two existing doors in this elevation. It is proposed to create steps and a ramp from ground level to the new door, both of which would be under the cover of an existing canopy structure. It is also proposed to provide 4 no. parking spaces within the existing front hardstanding area.
- 7.3 Internally it is proposed to provide a 267 sq.m café seating area with the remainder of the floor area being used as a child's play area, a kitchen, store rooms, reception area, toilets and two offices. The applicant has stated that the facility would be open 7 days a week and will run 3 x 2 hour pre-bookable play sessions a day (09.30-11.30, 12.15-14.15 and 15.00-17.00). The applicant has further stated that the facility would employ 9 staff across a 7 day operation which would amount to no more than 3 staff working at any one time.
- 7.4 **The principle of the use**  
Policy CF10 sets out the criteria for leisure uses outside of city and district centres.
- i) An assessment of need if not in a defined centre;
  - ii) There are no suitable city, district or edge of centre sites (the sequential test);
  - iii) The proposals either singularly or cumulatively with other existing or approved developments do not undermine the vitality, viability and attractiveness of the city and district centres;

- iv) The proposal does not have an unacceptable effect on the supply of employment land.

- 7.5 In paragraph 10.3.5 of Planning Policy Wales it states that developers will need to be “flexible and innovative about the format, design and scale of proposed development”. At the same time, however, the Council will need to be realistic about the applicants’ requirements. The applicant has submitted a statement which analyses the offer of other children’s play areas in the surrounding area. This includes a map which identifies that there are no facilities within the western side of Newport. The applicant has also highlighted that the café is a vital element of the business and they would be focusing on providing nutritionally balanced and portion controlled children’s meals, an offer which they identify as lacking in comparable facilities across south east Wales. They also provide evidence of a basic facebook page introducing the business which gained 100 followers in 24 hours, the comments on the page are supportive and often raise the lack of children’s indoor play facilities in the local area. On the basis that the assessment should be proportionate to the scale of the proposal it is considered that the applicant has sufficiently identified a need and criterion i) is satisfied.
- 7.6 Criterion ii) requires the applicant to submit a sequential test to demonstrate that there are no alternative suitable premises in the city centre or district centres. The applicant has detailed the operational requirements of the business in order to focus their sequential test. They identify the need for a leasehold, a minimum of 250 sq.m, a single level/open plan space and on-site parking (which was identified as necessary when compiling their business case). The applicant applied these criteria and searched both Rightmove and the Business Wales property directory. The searches revealed 1 property on Commercial Street, Newport. However, this property was discounted because it only had 74sq.m of ground floor space, the additional space was on the upper floor. It is considered that the information provided is sufficient to satisfy criteria ii) and iii).
- 7.7 In terms of criterion iv) this is also covered in more detail by policy EM3. Policy EM3 states that development proposals promoting alternative uses on existing employment sites will be resisted unless:
- i) The site has been marketed unsuccessfully for employment purposes for a minimum of 12 months;
  - ii) There remains a sufficient range and choice of employment land and premises to meet LDP requirements and local demand;
  - iii) The development has no adverse impact on existing or allocated employment sites;
  - iv) The development has no adverse impact on amenity or the environment.
- 7.8 In order to address criterion i) the applicant has provided evidence that the site has been marketed since the 15<sup>th</sup> September 2017 through Rightmove and also using Reed Business before this. The applicant states that there haven’t been any enquiries on the premises since the application was first submitted in May. In this respect it is considered that the applicant has provided sufficient evidence to satisfy this criterion.
- 7.9 In terms of criterion ii) the Council’s Economic Development Officer is concerned that any further loss to leisure on the Wern Industrial estate would undermine the ability of the city to attract and accommodate the increasing industrial demand evidenced by recent sales activity elsewhere in the city. The Economic Officer objects to the change of use in order that the city is able to continue to attract and support inward investment and growth. These concerns are understood however, it is also recognised that there is a surplus of employment land allocated within the Newport LDP and the applicant has provided evidence that the premises has been marketed without success. On balance, given the amount of employment land still available for development and the small scale/floor area of the proposed use it is not considered that the proposal would be significantly harmful to the overall provision of employment land. In this respect criterion ii) is considered to be satisfied.
- 7.10 Notwithstanding this, there are concerns that the proposed parking and pedestrian routes, which are discussed in further detail in paragraphs 7.15 to 7.22, would conflict with the existing service yards and access points of the building as a whole. The provision of dedicated parking areas in front of existing loading bays and pedestrian routes alongside

vehicular access points is considered to hinder the future re-occupation of the remaining building which would be harmful to the provision of employment land and the viability of the wider industrial estate. In this respect the proposal is contrary to policies EM1 and EM3.

- 7.10 In terms of criteria (iii) and (iv) it is considered that the use would not have an adverse impact on the existing industrial uses nor the amenity of neighbouring residential occupiers. It is considered that these criteria are satisfied. While the Environmental Health Officers comments are noted, the existing use does not have any restriction on hours of use, and therefore it is not considered necessary to restrict the proposed use.

**Highway, pedestrian and public safety**

- 7.11 In accordance with the Newport Parking Standards Supplementary Planning Guidance the proposed use generates a demand for 22 customer parking spaces plus a commercial space and a staff space based on the following:

Type of development	Operational	Non-operational	Total
Café	1 commercial space	1 space per 14 sq.m of dining area	1 commercial space and 19 customer spaces
Children's play area	1 space per 2 staff members (also applies to the café element)	1 space per 15 sq.m	1 staff space (based on 3 staff on site at any one time) 3 customer spaces

- 7.12 It is recognised that there would be an existing parking demand associated with the building as a whole and in association with the entire former Avana bakery site. The existing parking demand would be calculated on the floor area of the whole bakery site, at a ratio of 1 space per 120 sq.m. The application site has a floor area of 383 sq.m and as such the parking demand is 3 spaces. The former bakery previously had a dedicated area for parking (approximately 100 cars) in the south east corner of the wider site and the existing demand would have been accommodated within this car park. However, this part of the site has been sub-divided and is under different ownership. As such the application site no longer benefits from this car park.
- 7.13 The existing use would also have an operational demand which is based on the gross floor area however, it is not considered reasonable to compare the operational demands of an industrial bakery with a café/children's play area.
- 7.14 The applicant has sought to address the shortfall in parking provision by providing 4 no. parking spaces (including 1 disabled space) within the front forecourt. A further 18 spaces have been offered to the rear of the building, i.e. the entire building for which the application site forms part of. The suitability of the front forecourt spaces are considered to be acceptable however, those to the rear are not.
- 7.15 The area to the rear of the building is not within the applicants' control, although they have stated that their landlord controls this area. It is a former service yard of the bakery, it has three loading bays, ad hoc storage of materials, fire escapes and extraction louvres. Some of the proposed parking would be located in front of the loading bays. The environment is industrial, there is no street lighting and is not an area where you would expect members of the public to access. The applicant has no control over the use of the rest of the building and as such it could be occupied by any B2 use in the future. The service yard could be used by another industrial occupier, including the use of the loading bays. This would directly conflict with the proposed parking spaces. This area is not considered to be a safe environment for members of the public to use, particularly children who are the customer base of the proposed use.
- 7.16 The applicant has identified a pedestrian route from the parking area to the entrance of the proposed café/children's play area, it would run along the eastern side of the building. This route is around 90m and it would involve walking through the service yard and then along a private estate road which does not benefit from street lighting. The route proposed appears to have been used by employees of Avana bakery as there are thermoplastic markings

indicating pedestrian routes on the road. This route shares the road and is currently used by a haulage company and other industrial uses. The haulage company alone attracts frequent HGV movements. It is also noted that there are roller shutter doors along the eastern elevation of the building which are not part of the application site. These appear to be former operational vehicle entrances and there are ramps to the access along with gates onto the road. Access to these entrances would cross the proposed pedestrian route.

- 7.17 The applicant has suggested that fencing could be erected to segregate pedestrians and vehicles; and clear signage would be erected directing customers along the enclosed route. Whilst this would provide some degree of improved safety for pedestrians the applicant has not demonstrated that they have any control over this land and as such its installation cannot be guaranteed. Notwithstanding this the remainder of the building could be occupied by an industrial use and the roller shutter entrance points used for industrial activity, this would conflict with pedestrian safety.
- 7.18 The applicant also notes that the route was previously used by Avana employees at a time when it was in frequent use by lorries and fork lift trucks associated with the bakery. They note that there is less traffic using the road as the bakery is now closed. Whilst it is recognised that the route was previously used by employees; the bakery was a single manufacturing unit that would have sought to manage a substandard and relatively dangerous work environment for its employees. Employers have a duty of care to protect the health and safety of its employees. Unlike staff, who would have received training on health and safety and be familiar with the industrial activity and environment, users of the café/play area, who include children, would be unfamiliar with the area and would have not received training on health and safety procedures or necessarily be as 'switched on' to the dangers, compared to employees in a formal work environment. The use also has the potential to cause members of the public to be relatively isolated in an area without proper lighting and potentially being at risk to anti-social behaviour or crime.
- 7.19 It is recognised that while the former bakery is closed traffic movements will be less however, the industrial units could be re-occupied and traffic movements resume.
- 7.20 The Councils Highways Officer does not consider that safe pedestrian access has been provided between the parking spaces and the site. It is considered that the remote nature of the spaces and the poor quality of the pedestrian route will deter future customers from using them and parking would be displaced onto the highway. This would be obstructive to the manoeuvring and two way passing of vehicles on the highway, in particular HGV vehicles, and subsequently be detrimental to highway safety. The Highways Officer also has concern that because the proposed parking spaces would be accessed over private land which is not within the control of the applicant, the provision of those spaces cannot be guaranteed in perpetuity.
- 7.21 The applicant has also failed to identify enough parking spaces to accommodate staff and operational parking. Although, it is recognised that should the proposed provision be considered acceptable then those spaces could well be provided within that layout.
- 7.22 Overall the proposal fails to identify adequate parking provision which not only meets the demand of the proposed use, but also fails to provide a safe environment and a safe pedestrian route the application site. This is harmful to pedestrian and public safety; and places pressure onto the highway to accommodate on-street parking which would lead to obstruction and would be harmful to highway safety. Furthermore the proposed parking would hinder the future industrial occupation of the remainder of the building which is harmful to the overall viability of the wider industrial estate. This is contrary to policies SP1, SP2, SP12, GP2, GP4 and GP7; and objective 9 of the Newport Local Development Plan.

### **Design**

- 7.23 The proposed replacement door and windows; and ramp on the north facing elevation are considered to be acceptable and would not be harmful to the visual amenity of the surrounding area.

### **Other matters**

7.24 The Councils Environmental Health Officer requires details of fume extraction from hot food cooking areas. This could be secured via 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.

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

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

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

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

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

## **9. CONCLUSION**

9.1 The proposed use fails to demonstrate that an adequate amount of parking provision can be provided. It would also result in a conflict between heavy vehicle movements and pedestrians within a busy industrial area with substandard lighting and pedestrian facilities. It would also direct members of the public to park in an unlit service yard where there is also the potential for conflict with industrial uses and its associated traffic. This use would therefore result in a danger to the public/pedestrians from vehicles and put users at a risk of anti-social behaviour. The unattractive and unsafe parking areas and pedestrian routes would deter their use thereby displacing parking onto the highway which would lead to obstruction and would be harmful to highway safety. Furthermore the provision of parking and pedestrian routes which directly conflict with existing loading bays and operational vehicle access points would hinder the re-occupation of the wider industrial unit. This is harmful to the overall provision of employment land and the viability of the industrial estate. The proposal therefore fails to protect employment land and encourage public safety and



sustainable planning contrary to objective 9, polices SP1, SP2, SP12, GP2 GP4, GP7, EM1 and EM3 of the Newport Local Development Plan 2011-2026 (Adopted January 2015), the Crime and Disorder Act 1998 and the Newport's Well-Being Plan 2018-23.

## **10. RECOMMENDATION**

### **REFUSED**

01 The proposal fails to demonstrate that an adequate amount of parking provision can be provided. It would result in a risk of conflict on an estate where vehicle/pedestrian separation cannot be guaranteed and it would result in a conflict between heavy vehicle movements and pedestrians within a busy industrial area with substandard lighting and pedestrian facilities. This use would therefore result in a danger to pedestrians from vehicles and put users at a risk of anti-social behaviour. Furthermore, the unattractive and unsafe parking areas and pedestrian routes would deter their use thereby displacing parking onto the highway which would lead to obstruction and would be harmful to highway safety. The proposal therefore fails to encourage public safety and sustainable planning contrary to objective 9, polices SP1, SP2, SP12, GP2 GP4 and GP7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015), the Crime and Disorder Act 1998 and the Newport's Well-Being Plan 2018-23.

02 The proposal would place public parking areas and pedestrian routes in areas which directly conflict with loading bays and operational vehicular access points to an existing industrial unit. This would hinder the future occupation of this industrial unit which is harmful to the provision of employment land and the viability of the wider industrial estate. This is contrary to policies EM1 and EM3 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: SK-0001, SK-0002, SK-0003, SK-0005, 2 no. x plans showing "proposed parking at the rear of the unit", site location plan and statement produced by Kate Roberts (dated 5 August 2018).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP12, SP18, SP19, GP2, GP4, GP6, GP7, EM1, EM3, T4 and CF10 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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**APPLICATION DETAILS**

**No:** 17/0781 **Ward:** CAERLEON

**Type:** OUTLINE+ENV STATEMNT

**Expiry Date:** 25-JAN-2018

**Applicant:** UNIVERSITY OF SOUTH WALES

**Site:** UNIVERSITY OF WALES COLLEGE NEWPORT, COLLEGE CRESCENT, CAERLEON, NEWPORT, NP18 3NS

**Proposal:** **HYBRID APPLICATION SEEKING FULL PERMISSION FOR PARTIAL DEMOLITION, REFURBISHMENT AND CONVERSION OF MAIN BUILDING TO 42NO. FLATS, CONVERSION OF TJ WEBLY BUILDING TO 2NO. DWELLINGS, CONVERSION OF TY HYWEL BUILDING TO 2NO. DWELLINGS (1NO. FLAT AND 1NO. HOUSE), CONVERSION OF FELTHORPE HOUSE TO 1NO. DWELLING, AND EXPANDED USE OF KEGIE BUILDING TO INCLUDE B1A (OFFICE); AND OUTLINE PERMISSION FOR DEMOLITION OF OTHER EXISTING BUILDINGS AND CONSTRUCTION OF UP TO 263 NO. DWELLINGS, 2,400SQM OF FLEXIBLE B1A/D1 NON RESIDENTIAL INSTITUTION FLOORSPACE (KEGIE BUILDING PHASE II), CHANGING ROOM FACILITY, ALTERATIONS OF ACCESSES OFF LODGE ROAD AND COLLEGE CRESCENT, RETENTION OF EXISTING RUGBY PITCH AND COLLEGE ROAD GATE PIERS, AND PROPOSED OPEN SPACE, LANDSCAPING, ENGINEERING AND INFRASTRUCTURE WORKS WITH ACCESS TO BE CONSIDERED AND ALL OTHER MATTERS RESERVED**

**Recommendation: REFUSED**

## **1. INTRODUCTION**

1.1 This is a hybrid application (part outline with details of access only, part full) for a mixed development comprising the following:

### Outline

- 263 new build dwellings (which includes the demolition of all existing halls of residence, and other ancillary buildings not attached to the listed buildings);
- Informal and formal open space (including changing rooms to serve the rugby pitch), landscaping, infrastructure works (including parking) and engineering works;

### Full

- 47 units within existing converted buildings (comprises the Edwardian main building dated 1912 and 3no. ancillary buildings known as Felthorpe House,

TJ Webly and Ty Hwyl) and associated works to be undertaken to the listed buildings to facilitate their conversion (this includes partial (approximately 33,590sqm) demolition of the main building including the sports hall) and provision of a resident's lounge in the main building and a community space in a converted detached building;

- Retention of the Kegie building (1600sqm) and widening of its permitted use to include Class B1a (office) – the building is currently consented for Class D1 (non-residential institution);
  - The development of a 2<sup>nd</sup> phase of Kegie (up to 2400sqm gross) with flexible use of both Class D1 and B1a; and
  - The provision of parking and open space associated with the conversion and change of use of existing buildings;
  - Retention of the rugby pitch.
- 1.2 A separate Listed Building Consent application is also being considered for works to the listed buildings and structures associated with the full elements of the proposal summarised above. This will be reported and determined separately at a later date and under officer delegated powers.
- 1.3 The University closed this site in 2016. There is evidence of intervening uses of the site since its closure including as a film production venue. However, these are short term and do not alter the lawful use of buildings.
- 1.4 The site, which is approximately 13.1 ha, currently features a university campus comprising lecture theatres, offices, student accommodation, catering and sports facilities and a library, surrounded by a rugby pitch, hard standing including parking and improved grassland. The campus comprises an assortment of buildings ranging from the Edwardian Main Building which dates from 1912 to the 'Kegie', a modern University teaching facility completed in 2007. The site has several large areas of surface car parking and a rugby pitch. Much of the north/north-western part of the campus is comprised of sloping ground comprising grass and trees. Access is currently off Lodge Road with bus only access off College Crescent. Traffic to and from the site will be able to travel via Lodge Road and then part or all of the Caerleon one-way system, via Lodge Road and Pillmawr Lane or exit at College Crescent onto Ponthir Road to travel northward towards Cwmbran or southwards towards Caerleon and Newport. Other routes are possible, via Lodge Road and the existing secondary roads through the housing estates north of the site which exit further north on Ponthir Road.
- 1.5 Caerleon has an Air Quality Management Area (AQMA) that extends part way along Castle Street, along High Street (as far as its junction with Cross Street) incorporating housing adjacent to the AQMA, and along the highway to the junction of Caerleon Road and Belmont Hill/New Road. The area of this AQMA was reviewed and enlarged in July 2018. The AQMA is principally associated with nitrogen dioxide (NO<sub>2</sub>) and particulate matter levels arising from vehicle emissions. Caerleon is, in many respects, a unique problem in AQMA terms. It relies heavily upon the one way system in the historic core where a mix of residential, commercial, tourist and local facilities are located. Some properties have facades abutting the pavements thereby creating canyons through which traffic flows. It also has a number of key routes that all direct traffic to the one way system, i.e. Caerleon Road, Usk Road, Ponthir Road/Station Road, Pillmawr Lane/Lodge Road, Belmont Hill/New Road. All schools serving the catchment rely on traffic through this system (i.e. Caerleon Comprehensive, Lodge Hill Primary School, Charles Williams Primary School).

- 1.6 The site includes 3 no. grade II listed buildings (main building, Ty Hwyl and TJ Webly) and listed gate piers. The main building, its setting and associated buildings are landmark buildings within the area with significant amenity value in addition to their architectural and historical importance.
- 1.7 The immediate environs are predominantly residential although St Cadocs Hospital is located opposite the site on Lodge Road. The site occupies an elevated position, visible from multiple public vantage points both near and more long ranging. It has well established landscaping along significant parts of its perimeter with feature specimens within the site itself. A large number of trees on site are the subject of a Tree Preservation Order.
- 1.8 It is proposed to demolish the existing sports centre that, until July 2016, was being used by the public in addition to the University. It is now closed. The rugby pitch will be retained (this forms part of the full proposals) and is identified as Environmental Space in the adopted LDP. It is proposed (as part of the outline elements) to construct changing room facilities to serve the pitch.
- 1.9 The site is within the urban area and is previously developed land. It is not allocated for development in an up to date development plan (i.e. the LDP) and therefore this application represents a windfall project. The site has a lawful use (as an educational campus establishment) but planning fall back options have not been agreed at time of writing. This will be discussed in more detail later in this report. The site has been the subject of statutory pre-application consultation with the public, pre-application discussions with the Council and has been presented to the Design Commission for Wales for review. The site is archaeologically sensitive. It is not located within the Caerleon Conservation Area.
- 1.10 This application is EIA (Environmental Impact Assessment) development following the Council's decision pursuant to a formal EIA screening request. The Council's reasons for confirming the development as Schedule 2 were as follows:

*Having regard to the development's location including the existing land use, the characteristics of the proposed development (its size, cumulation with other development, and pollution), and the characteristics of the potential impact (duration, frequency, reversibility, probability and extent), the project will likely give rise to significant environmental effects notably in relation to matters considered ... These include traffic, air quality and, in relation to option 2 [that includes demolition of the sports centre], access to facilities.*

The Environmental Impact Assessment is intended to enable the authority, when considering and deciding whether to grant planning permission for the scheme which it has already determined is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes these into account in the decision making process.

## **2. RELEVANT SITE HISTORY**

97/0077 Development of new sports centre - Granted with conditions 25/03/1997

97/0820 Development of new sports centre - Granted with conditions 28/10/1997

97/1096 Discharge of condition 08 - use of approved sports centre and noise attenuation details relating to planning permission 97/0820/F – Approved 13/03/1998

05/0808 Erection of 3 storey teaching block - Granted with conditions 27/09/2005

05/1637 Discharge of condition 02 (travel plan coordinator) of planning permission 05/0808 (for the erection of a three storey teaching block) – approved 05/01/2006

06/0976 Partial discharge of condition 03 (Green Travel Plan) of planning permission 05/0808 for erection of 3 storey teaching block – approved 14/09/06

08/0635 Variation of condition to allow an extension for a further 5 years to implement planning permission 03/1324 for the provision of additional car parking facilities (conversion of redgra) -Granted with conditions 16/06/2008

14/0055. Prior approval for demolition of IB John Building – approval not required 20/02/2014

### **3. POLICY CONTEXT**

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

- The site is wholly within the defined settlement boundary.
- The site is within the Archaeologically Sensitive Area.
- The rugby pitch is allocated as an Environmental Space.
- The tennis courts are not allocated within the LDP, but are identified as contributing to formal play provision in the Caerleon ward in the Assessment of Outdoor Play Space.
- It is within the 40% Affordable Housing sub market area.
- The site is considered to meet the definition of previously developed land set out in PPW (edition 9, Nov 2016). However, as accepted in PPW (Fig 4.4) this does not mean the whole area of the curtilage is appropriate for redevelopment. Where the footprint of a building only occupies a proportion of a site of which the remainder is open land, amenity space or in recreational use, the whole site should not normally be redeveloped.
- There are a number of TPOs on the site.
- Caerleon High Street Air Quality Management Area.
- Four buildings within the grounds of the campus were given Grade II listing during March 2017:

o 87726 – Principal's Residence of the University of South Wales, Caerleon Campus (Tj Webly).

o 87727 – Caretaker's/Gardener's Lodge of the University of South Wales, Caerleon Campus (Ty Hywel).

o 87728–Gate Piers at the University of South Wales, Caerleon Campus

o 87729 – Former Caerleon Teacher Training College Building (Main Building).

### **3.2 National Planning Policy**

In light of the Well-being of Future Generations (Wales) Act 2015, Welsh Government is proposing to revise Planning Policy Wales (PPW). The public consultation on edition 10 of the document ended in May 2018 and it is understood that responses are currently being reviewed. At time of writing, Planning Policy Wales had not been updated and therefore the following document remains applicable.

Planning Policy Wales (PPW) (Ed 9 – Nov 2016) provides the overarching policy framework for planning in Wales. The following chapters are considered to be of particular relevance to the consideration of this application.

#### **Chapter 4 – Planning for Sustainability**

Paragraph 4.3.1 lists the sustainability principles underpinning Welsh Government's approach to planning policy for sustainable development. Given the mixed use nature of the scheme various sections are relevant to the consideration of the proposals. More specifically Chapter 9 – Housing, sets out policy considerations for housing developments.

Paragraph 4.9.1 notes that previously developed (or brownfield) land (see Figure 4.4) should, wherever possible, be used in preference to greenfield sites. Previously developed land is defined as:

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage (see note 1 below) of the development is included, as are defence buildings, and land used for mineral extraction and waste disposal where provision for restoration has not been made through development management procedures.

1. The curtilage is defined as the area of land attached to a building. All of the land within the curtilage of the site will also be defined as previously-developed. However this does not mean that the whole area of the curtilage should therefore be redeveloped. For example, where the footprint of a building only occupies a proportion of a site of which the remainder is open land (such as a hospital) the whole site should not normally be developed to the boundary of the curtilage. The local planning authority should make a judgement about site layout in this context, bearing in mind other planning considerations such as policies for the protection of open space, playing fields or development in the countryside. They should consider such factors as how the site relates to the surrounding area and requirements for on-site open space, buffer strips and landscaped areas.

#### **Chapter 6 – The Historic Environment**

Paragraph 6.5.11 of PPW notes that there should be a general presumption in favour of the preservation of a listed building and its setting, which might extend beyond its curtilage. For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. The aim should be to find the best way to protect and enhance the special qualities of listed buildings, retaining them in sustainable use. The continuation or reinstatement of the original use should generally be the first option, but not all original uses will now be viable or appropriate. The application of development and listed building controls should recognise the need for flexibility where new uses have to be considered in order to secure a building's survival or provide it with a sound economic future.

#### **Chapter 8 – Transport**

Paragraph 8.7.1 of PPW states that when determining a planning application for development that has transport implications, local planning authorities should take into account:

- the impacts of the proposed development on travel demand;
- the level and nature of public transport provision;
- accessibility by a range of different transport modes;
- the opportunities to promote active travel journeys, and secure new and improved active travel routes and related facilities, in accordance with the provisions of the Active Travel (Wales) Act 2013;
- the willingness of a developer to promote travel by walking, cycling or public transport, or to provide infrastructure or measures to manage traffic, to overcome transport objections to the proposed development (payment for such measures will not, however, justify granting planning permission to a development for which it would not otherwise be granted);
- the environmental impact of both transport infrastructure and the traffic generated (with a particular emphasis on minimising the causes of climate change associated with transport); and
- the effects on the safety and convenience of other users of the transport network.

## **Chapter 9 – Housing**

Chapter 9 provides the overarching advice on Housing Developments. With specific regards to Development Management and Housing paragraph 9.3.1 states new housing developments should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern. Where housing development is on a significant scale, or where a new settlement or urban village is proposed, it should be integrated with existing or new industrial, commercial and retail development and with community facilities.

Paragraph 9.2.3 states that local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan. For land to be regarded as genuinely available it must be a site included in a Joint Housing Land Availability Study.

## **Chapter 11 – Tourism, Sport and Recreation**

PPW – paragraph 11.1.12 - All playing fields whether owned by public, private or voluntary organisations, should be protected from development except where:

- facilities can best be retained and enhanced through the redevelopment of a small part of the site;
- alternative provision of equivalent community benefit is made available; or there is an excess of such provision in the area.

## **Chapter 13 – Minimising and Managing Environmental Risks and Pollution**

13.12.1 The potential for pollution affecting the use of land will be a material consideration in deciding whether to grant planning permission. Material considerations in determining applications for potentially polluting development are likely to include:

- location, taking into account such considerations as the reasons for selecting the chosen site itself;
- impact on health and amenity;
- the risk and impact of potential pollution from the development, insofar as this might have an effect on the use of other land and the surrounding environment (the environmental regulatory regime may well have an interest in these issues, particularly if the development would impact on an Air Quality Management Area or a SAC);
- prevention of nuisance;
- impact on the road and other transport networks, and in particular on traffic generation; and
- the need, where relevant, and feasibility of restoring the land (and water resources) to standards sufficient for an appropriate after use. (Powers under the Pollution Prevention and Control Act 1999 require an operator to return a site to a satisfactory state on surrender of an Integrated Pollution Prevention and Control Permit).

### **3.3 Technical Advice Notes**

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

- TAN 2: Planning and Affordable Housing (2006)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 23: Economic Development (2014)
- TAN 24: The Historic Environment (2017)

### **3.4 Local Planning Policy**

#### **Adopted Local Development Plan**

The following LDP policies are considered to be relevant to the redevelopment of the Caerleon Campus site:

- SP1 – Sustainability
- SP2 – Health
- SP4 – Water Resources
- SP9 – Conservation of the Natural, Historic and Built Environment
- SP10 – House Building Requirement
- SP12–Community Facilities



- SP13 – Planning Obligations
- SP15 – Integrated Transport
- SP17 – Employment Land
- SP18 – Urban Regeneration
- GP2 – General Amenity
- GP3 – Service Infrastructure
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- GP7 – Environmental Protection and Public Health
- CE3 – Environmental Spaces and Corridors
- CE6 – Archaeology
- H2 – Housing Standards
- H3 – Housing Mix and Density
- H4 – Affordable Housing – 40% sub market area
- T4 – Parking
- CF1 – Protection of Playing Fields, Land and Buildings Used for Leisure, Sport, Recreation and Play
- CF2 – Outdoor Play Space Requirements
- CF12 – Protection of Existing Community Facilities
- W3 – Provision of Waste Management Facilities in Development

### **3.5 Adopted Supplementary Planning Guidance**

- Planning Obligations SPG – August 2015
- Affordable Housing SPG – August 2015
- Archaeology and Archaeologically Sensitive Area SPG – August 2015
  
- Wildlife and Development SPG – August 2015
- Parking Standards SPG – August 2015
- New Dwellings SPG – August 2015
- Outdoor Play Space Provision – January 2017
  
- Air Quality SPG – February 2018

### **3.6 Relevant Policies by topic areas**

#### **3.6.1 General Development**

- SP1 – Sustainability
  
- SP10 – House Building Requirement
  
- SP12 – Community Facilities
  
- SP17 – Employment Land
  
- SP18 – Urban Regeneration

The application proposes a residential led, mixed use redevelopment of the former Caerleon Campus site.

The site is previously developed land within the defined settlement boundary and its redevelopment is therefore acceptable in principle subject to satisfying any development constraints associated with the site.

The provision of 310 dwellings would contribute to the LDP's housing requirement, specifically the windfall allowance of the housing supply figures. However Newport has a housing land supply of 5.6 years agreed as part of the 2018 Joint Housing Land Availability Study and therefore already maintains a 5 year land supply.

### **3.6.2 Impact on Caerleon's Highways Network**

- SP1 – Sustainability
- SP15 – Integrated Transport
- GP2 – General Amenity
- GP4 – Highways and Accessibility
- T4 – Parking & Parking Standards SPG

The potential impact on Caerleon's highways network is a significant constraint to redevelopment.

### **3.6.3 Impact on Caerleon's High Street Air Quality Management Area**

- SP1–Sustainability
- GP2 – General Amenity
- GP7 – Environmental Health and Public Protection

The potential impact of development on the Caerleon AQMA is a significant constraint to redevelopment.

### **3.6.4 Quality of Design**

- GP6 – Quality of Design
- H2 – Housing Standards
- H3 – Housing Mix and Density

Policy GP6 – Quality of Design sets out key design principles the Council wishes to achieve in development. The applicants need to ensure these principles are addressed in the proposed design of the site, although it is acknowledged that the majority of the proposal is seeking outline permission. Of particular relevance is criterion (i) requiring development to be sensitive to the unique qualities of the site. A number of existing features of Caerleon campus provide an opportunity to provide a unique environment and high quality housing development. In particular, the historic buildings and associated ornamental gardens are a significant central feature of the site.

A mix of dwelling types and sizes is supported and will help meet a range of housing needs.

### **3.6.5 Impact on Listed Buildings**

- SP9 – Conservation of the Natural, Historic and Built Environment

The application site includes 4 Grade II Listed Buildings. The retention and re-use of these is therefore supported.

### **3.6.6 Loss of the Sports Centre**

- SP12 – Community Facilities
- CF1 – Protection of Playing Fields, Land and Buildings Used for Leisure, Sport, Recreation and Play
- CF12 – Protection of Existing Community Facilities

The application proposes the removal of the Sports Centre and associated tennis courts. In assessing the demand for the facility the tennis courts have been considered as part of the overall facility to reflect that they do not function as a stand-alone facility. This approach is considered reasonable. In accordance with Policies CF1 and CF12 the removal of such facilities will be permitted where alternative provision of the same benefit is provided or the land or building(s) is surplus to requirements.

### **3.6.7 Rugby Pitch**

- CE3 – Environmental Spaces and Corridors
- CF1 – Protection of Playing Fields, Land and Buildings Used for Leisure, Sport, Recreation and Play

National and local policy protects the rugby pitch from development unless it can be demonstrated that it is surplus to requirements, enhancements are made elsewhere on site or alternative provision can be provided in the immediate locality. There is a deficit of formal play provision in Caerleon and whilst redevelopment does not need to meet this deficit it should not make the situation worse. The application proposes to retain the rugby pitch under the provisions of the full planning application and provide changing room facilities within the remit of the outline planning permission.

The proposed residential development is required to provide open space and play facilities in accordance with policy CF2 – Outdoor Play Space Requirements. Given the existing deficit in the locality this should be in addition to the existing provision and related to the population generated as a result of the development. The methodology and standards of which are set out in the Outdoor Play Space SPG.

### **3.6.8 Natural Environment**

- SP1 – Sustainability
- GP5 – Natural Environment

The mature trees bordering the south east boundary and the grouped trees known as the arboretum on the northern boundary are an important natural feature of the site

and their retention is supported. There are also a number of TPOs located on site. Retention of these would greatly enhance the design quality of the scheme and provide ecological benefits in terms of connectivity and habitats.

### **3.6.9 Archaeology**

- CE6 - Archaeology

The campus lies within the designated Archaeologically Sensitive Area. The applicants are therefore required to undertake an Archaeological Impact Assessment.

### **3.6.10 Service Infrastructure**

- GP3 – Service Infrastructure

The applicants will need to demonstrate that all necessary service infrastructure can be provided to serve the redevelopment.

### **3.6.11 Planning Obligations**

- SP13 – Planning Obligations

- H4 – Affordable Housing

- CF2 – Outdoor Play Space Requirements

In order to mitigate the impact of development on local infrastructure, S106 planning obligations will be sought in relation to the redevelopment of the site (policy SP13). The site falls within the 40% Affordable Housing sub- market area (policy H4). Policy CF2 – Outdoor Play Space Requirements, requires developments to make provision for open space in accordance with the Fields in Trust Standards of 2.4 ha per 1000 population.

## **4. CONSULTATIONS**

- 4.1 NATURAL RESOURCES WALES: recommend that the LPA should only grant planning permission if conditions are attached to any permission granted. These would address significant concerns that NRW has and it would not object provided these conditions were attached to any future permission.

NRW has reviewed Preliminary Geo-environmental risk assessment Report, Produced by WSP Parsons Brinckerhoff, dated June 2015. The report identifies clear potential sources of contamination which include the plant and boiler rooms of various buildings, the photography development room near/within the art faculty, associated waste storage and the electrical substation. The report also highlights potential linkages to controlled waters which include surface water drainage ditches and streams in the vicinity of the site form tributaries to the Afon Lwyd and River Usk and the underlying Secondary A Aquifer. NRW expects an intrusive site investigation in line with best practice to develop the conceptual model and fully assess any source pathway receptor linkages particularly targeting areas associated with potential sources of contamination.

In the absence of additional information being provided NRW recommends to the local authority that they should only grant planning permission for this scheme if specified conditions are attached to the planning permission. These relate to land contamination risk assessment and investigation, verification and long term monitoring and in relation to bats, NRW advises:

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that the Local Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

On the basis of the submitted report, NRW does not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Therefore, it does not object to the proposal, subject to a condition advising the applicant that a separate license is required.

- 4.2 WELSH WATER: Having reviewed the Drainage Assessment (February 2017) submitted with the planning application, we welcome the betterment of foul and surface water flows currently discharging to the public sewerage system and have no capacity concerns. We acknowledge sustainable drainage methods are proposed of which it is to include rain water harvesting systems and to reroute surface water where possible from the public sewer to existing watercourses.

Notwithstanding the above we understand that further ground investigations are required in order to assess the suitability of using infiltration methods as an option for sustainable surface water disposal.

In the absence of this information WW request that if granting Planning Consent for the above development that **Conditions and Advisory Notes** relating to a requirement for an integrated drainage scheme detail be imposed.

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

A water supply can be made available to serve this proposed development.

- 4.3 SPORT WALES:

It is pleased to see that the rugby pitch and other open space will be retained and that new changing rooms and play areas are being provided.

It is disappointing that the sports centre will be lost but it is recognised that efforts to secure a new operator were unsuccessful.

The tennis courts were packaged together with the sports centre and will be lost also. Sport Wales has discussed the matter with Tennis Wales and it is concerned they are the only courts available to the public in Caerleon and their loss will mean there will no longer be any provision in the community. Can anything be done to mitigate this loss? There are courts at the Comprehensive School but they are not available to the public. Could they be made available?

There has been mention of off-site financial contributions. Will there be any funds available to help mitigate the loss of the sports centre and tennis courts?

Overall, Sport Wales does not object to the application but would hope that the loss of the sports centre and tennis courts can be offset in some way.

- 4.4 WELSH GOVERNMENT (ROADS): The Welsh Government (Transport) as highway authority for the M4 and A4042 trunk road does not issue a direction in respect of this application.
- 4.5 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: has no objection to the determination of the consent as long as conditions are attached and implemented relating to a detailed scheme of investigation for a programme of archaeological work to protect the archaeological resource and an appropriate programme of historic building recording and analysis.

We also recommend that a note should be attached to the planning consent explaining that:

*The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.*

- 4.6 WALES AND WEST UTILITIES: standard response providing details of apparatus within the vicinity.
- 4.7 ANEURIN BEVAN HEALTH BOARD: agree with the applicant's reports that the health impacts of the development are likely to be minimal. However, request that planning conditions include an ongoing commitment to the effectiveness of the travel plan and demonstrate public health improvement gains. The application will have an adverse impact upon the AQMA. Any improvement to air quality will have positive health consequences. Minimum to this requirement is to achieve compliance with national air quality objectives. Comments received in relation to the air quality and transport assessment are copied direct from the Board's letter for accuracy on the next page.

The Health Board comments in relation to the Travel Plan:

*A transport assessment has been undertaken which suggests any increase in traffic flow would not result in significant adverse impacts nor would there be any unacceptable environmental impact at identified receptor locations. Mitigation of the construction and operational phase impacts are proposed including the preparation of a Construction Environmental Management Plan and the submission of a Travel Plan. This is beyond the construction phase. Other mitigation includes the upgrading of pedestrian and cycle routes adjacent to the application site. The main objective of the Travel Plan is to reduce car usage by 10% in favour of more sustainable forms of travel. Periodic reviews will be undertaken and shared with the local authority and the community. The applicant anticipated the Travel Plan will be secured by way of a planning condition or section 106 Legal Agreement...During the construction phase...the majority of receptors are anticipated to have a high dust impact and receptors on the construction route through the town centre would*

*potentially impact high dust impact. The applicant has proposed mitigation measures including the implementation of a dust management plan.*

Its further comments in relation to air quality are copied from the letter received for clarity sake. These are included on the next page.

In relation to GP services, the Health Board provided the following comments:

*Aneurin Bevan University Health Board has 12 Neighbourhood Care Networks (NCNs) across Gwent each representing a cluster of GP practices with a registered population of between 40-60,000 patients. The NCN Leads for Newport North and Newport East have contacted the GP practices that have a catchment area covering the proposed development at College Crescent, Caerleon, about their capacity for new registrations.*

*The GP practices have responded positively and have commented that they would be open to taking on new registrations from the proposed development, subject to numbers of registrations being manageable ( $\leq 500$  new registrations per GP Practice).*

*It should also be considered that some people moving into the proposed development may wish to remain with their current GP thereby reducing demand for new registrations within local practices.*

## Air Quality & Transport Assessment

The Air Quality Assessment (using detailed dispersion modelling), estimates concentrations of NO<sub>2</sub> and particulates (PM<sub>10</sub> and PM<sub>2.5</sub>) at sensitive receptors at the site and in the town centre, in order to quantify any impact increases traffic might have. A number of future modelled scenarios have been considered, all based on different volumes of traffic. Some of these scenarios have been modelled using 2016 emissions factors and then with 2025 emissions factors. The report acknowledges that there is uncertainty over vehicle emission improvements anticipated in future years (a 30% improvement over current vehicle emissions is quoted) so a best case (2025 emissions factor) and worst case (2016 emissions factor) has been used.

Model results show annual average NO<sub>2</sub> concentrations using 2025 estimated emission factors for scenarios B to D:

- B - a 'baseline' for 2025 taking into account ambient growth for roads, full occupation of the campus had the university continued to operate and other committed developments;
- C - 2025 sensitivity as the 'baseline' minus campus occupation;
- D - 2025 without the campus but with the development, with estimations based on yearly growth factors for the roads (2025 baseline)

The scenario results show all receptor locations are within the AQO annual mean. Using 2016 emission factors, exceedances of current health-based AQOs for NO<sub>2</sub> at a number of receptor locations specifically within or close to the AQMA are anticipated for future scenarios.

Using Institute of Air Quality Management (IAQM) guidance on impact descriptor methodology, percentage increases in NO<sub>2</sub> concentrations for different modelled scenarios have been compared against the university site remaining operational versus the site remaining unoccupied (2016), or site developed (2025). All receptors would experience a decrease in pollutant concentrations, which when compared the IAQM guidance, corresponds to a negligible impact. Using 2016 emission factors, three locations on Caerleon high street (AQMA) are classified as substantial. The applicant acknowledges that it is likely emission factors will be somewhere in between 2016 and 2025 factors.

The outcome of the same scenarios for PM<sub>10</sub> and PM<sub>2.5</sub> concentrations have shown negligible impact for receptors for both 2016 emission factors and 2025 emission factors and do not exceed respective NAQOs.

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**Bwrdd Iechyd Aneurin Bevan yw enw gweithredol Bwrdd Iechyd Lleol Aneurin Bevan**  
**Aneurin Bevan Health Board is the operational name of Aneurin Bevan Local Health Board**



4.8 GWENT POLICE: From a traffic management view raises two concerns;

The provision of an additional 311 domestic dwellings will possibly result in an additional 700+ vehicles, there is only 28 one bedroom apartments the rest of the dwellings are 2 to 4+. There is a need on such a large site with a number of straight roads for consideration to be given to a twenty miles per hour speed limit and appropriate traffic calming to ensure compliance.

The second concern would be the additional vehicle movements on Lodge Road into Caerleon, this can at times suffer with congestion, this being the only viable route into Caerleon, Newport and the M4 which also has to negotiate the narrow railway bridge on Lodge Road, the only other route is along the lane from Caerleon to Malpas which past the current residential development is single track with passing places. It may be that with such a large development improvement can be sought on the local road network.

I am aware that when the new M4 relief road route is established following the closure of the public enquiry in November this year, this will eventually lead to the current M4 being reclassified to an A class road and Caerleon intersection providing an access to the old M4.

4.9 SOUTH WALES FIRE AND RESCUE SERVICE: The developer should consider the need for the provision of:

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

4.10 CADW (ANCIENT SCHEDULED MONUMENTS): we consider that none of the scheduled monuments in the vicinity are likely to be inter- visible with the site of the proposed development by reason of intervening trees and topography. We therefore have no objections to the impact of the proposed development on the scheduled monuments.

4.11 TORFAEN COUNTY BOROUGH COUNCIL: no response.

4.12 WESTERN POWER DISTRIBUTION: standard advice regarding apparatus in area and safe working practices.

4.13 FIELDS IN TRUST: no response.

**5. INTERNAL COUNCIL ADVICE**

5.1 HEAD OF CITY SERVICES (HIGHWAYS): In response to the additional information provided by the agents dated 7<sup>th</sup> September, I update my comments as follows and maintain my objection.

The topographical survey plan of the mini roundabout has been provided. The proposed mitigation works to the Goldcroft Common entry to the Station Road/Mill Street/Goldcroft Common mini roundabout are achievable but at the expense of Station Road capacity. The applicants Stage 1 Safety Audit on the proposed roundabout improvement has also identified that “insufficient carriageway width may result in large vehicles overrunning into the adjacent traffic lane, this could increase

the risk of side swipe collisions with other road users". Independent review of the Safety Audit confirmed that this issue was considered relevant. This is anticipated to negate the proposed capacity improvement.

No mitigation is proposed to address traffic impact at Station Road and the proposal will significantly increase queuing and delay as a direct result of capacity being reached. This also applies to the New Road/Caerleon Road/High Street junction. This impact is unacceptable based upon the information provided and whilst some traffic dispersal can be expected in both locations, it does not address the adverse impact in my view.

The number of vehicle trips previously generated by the Campus has been overestimated as it relates to unreliable modal split information. This may be academic as the baseline has not been agreed. The further information provided does not address this objection. It is noted that the aerial image provided to support this information is not date or time stamped and relates to an unrepresentative period (2009) when the Allt yr yn campus was closed/closing and the new city campus was yet to open. It is reasonable to assume that staff and students enrolled at the closed site would, at least in part, have temporarily relocated to the Caerleon Campus.

The use of 2006 TP modal split data is inherently flawed for all of the fluctuations listed by Calibro. The error is compounded by the low response rate and no justification of the occupancy rate has been offered. Bearing in mind the traffic sensitivities, the impact inaccurate modal splits may or may not have could be critical. This is particularly pertinent bearing in mind highway capacity issues.

Several matters remain outstanding in the TA and although potentially resolvable, remain of concern.

If you are minded to grant planning permission, the highway works should be completed in advance of any unit occupation.

## 5.2 HEAD OF LAW AND REGULATION (SCIENTIFIC OFFICER):

The Welsh Government's Interim Supplemental Plan to the UK plan for tackling Roadside NO<sub>x</sub> emissions 2017 states:

*Evidence has emerged over recent years in relation to the real world emissions of NO<sub>x</sub> exceeding legal type approval emissions limits, on which modelling assumptions are based. This disparity has meant the projected reductions in emissions from the introduction of stricter European standards have not materialised to the degree expected, and the scale of projected non-compliance in Wales, and elsewhere in the UK, has changed significantly over time. UK-scale compliance projections produced in 2017, based on updated emission factors, now show predicted areas of non-compliance in Wales in 2020 and beyond, unless further measures are taken.*

Welsh Government Report for the National Assembly for Wales February 2018:  
Research Briefing Air Quality States:

*The halt in progress on NO<sub>2</sub> has been associated with a flaw in the latest diesel car emission standards [The emissions scandal]....Another issue causing high NO<sub>2</sub> an emission is illegally modified Lorries.*

A further emissions scandal is just breaking in Northern Ireland where MOT emissions tests have not been carried out for at least 10 years, this would have implications for air quality modelling (<https://www.bbc.co.uk/news/uk-northern-ireland-45643031>). Whilst this is in Northern Ireland, it is yet another example of real world conditions proving air quality modelling is not guaranteed.

The national guidance and tool kits (DEFRA Emissions Factor Tool Kit) have been updated to reflect the recent emissions scandal, and predicted air quality improvements have been revised. The air quality modelling exercise submitted to justify the application is based on the most recent predictions. DEFRA Emissions Factors used are liable to future updates and therefore the predicted improvement will be liable to revision. Similar to previous predictions, there is no guarantee of the current predictions will materialise.

The air quality model provided to support the application has been validated against the 2016 monitoring data. To estimate how future vehicle emissions will change over time two different emission factor tool kits have been used.

- DEFRA Emissions Factors which is considered to overly optimistic of future vehicle emission improvements.
- CURED Emissions Factors which is considered to be less optimistic of future vehicle emission improvements.

Table 7.6 of the air quality report provides a summary of the modelled emissions using DEFRA Emissions Factor Tool Kit, in the table the exceedances are highlighted in red – 10 exceedances of the 40ug/m<sup>3</sup> objective have not been highlighted (outlined in blue in the figure below).

Table 7.8 of the air quality report shows a similar table using what is considered to be the more conservative approach – the CURED emissions factors. Here, the 10 exceedances that were not highlighted in the Defra EFT approach do not in fact exceed.

For the validation exercise, every CURED EF result is higher than the DEFRA EF result, which would be expected. But the results of four receptors in the CURED EF approach are less than the DEFRA EF approach. The discrepancy between these approaches on these sensitive receptors in Castle Street would have implications for the 2025 analysis.

Table 7.8: NO<sub>2</sub> concentrations using 2016 CURED Emissions factors

NO <sub>2</sub> Concentrations (µg/m <sup>3</sup> ) (2016 EF)				
Scenario #				
R#	2	3	4	5
R1	15.5	15.3	15.4	15.6
R2	16.3	15.9	16.1	16.5
R3	14.2	14.2	14.2	14.3
R4	14.3	14.2	14.3	14.3
R5	14.5	14.4	14.5	14.5
R6	14.5	14.5	14.5	14.6
R7/52	18.9	18.8	19.1	19.7
R8/3A	19.9	19.5	19.7	20.1
R9/34A	32.8	31.4	32.1	33.2
R10/6	57.2	54.4	56.2	58.2
R11/53	33.0	31.6	32.3	33.4
R12/26B	55.5	52.8	54.5	56.4
R13/27B	56.5	53.8	55.5	57.5
R14/47A	38.7	36.9	38.0	39.3
R15/43A	38.6	36.9	37.9	39.3
R16/35A	37.9	36.2	37.3	38.6
R17/36A	37.7	36.0	37.1	38.3
R18/54	19.0	18.6	18.8	19.1
R19	17.1	16.9	17.0	17.2
R20	15.4	15.3	15.4	15.5
R21	17.1	17.0	17.0	17.2

CURED

NO <sub>2</sub> Concentrations (µg/m <sup>3</sup> ) (2016 EF)				
Scenario #				
R#	2	3	4	5
R1	15.0	14.7	14.8	15.2
R2	16.0	15.5	15.6	16.2
R3	13.5	13.4	13.5	13.5
R4	13.5	13.5	13.5	13.5
R5	13.7	13.7	13.7	13.8
R6	13.8	13.7	13.8	13.9
R7/52	18.1	17.8	18.2	18.5
R8/3A	19.8	19.3	19.6	19.9
R9/34A	32.3	30.9	31.7	32.6
R10/6	56.8	53.9	55.5	57.4
R11/53	32.6	31.1	31.9	32.8
R12/26B	55.3	52.3	53.8	55.8
R13/27B	56.1	53.3	54.8	56.7
R14/47A	41.0	39.0	40.2	41.3
R15/43A	41.0	39.0	40.1	41.3
R16/35A	40.2	38.3	39.4	40.6
R17/36A	40.0	38.1	39.3	40.4
R18/54	18.8	18.4	18.6	18.9
R19	16.4	16.1	16.3	16.4
R20	14.6	14.5	14.6	14.7
R21	16.4	16.2	16.3	16.4

DEFRA EFT

Table 7.15 and Table 7.16 of the air quality report provides a comparison of the DEFRA emission factors vs the CURED emission factors for each scenario for 2016 and 2025. The DEFRA emission factors are the more optimistic, the CURED less so. It appears in some of the modelled scenarios in the air quality assessment the CURED emission factors actually provide a greater improvement than the more optimistic DEFRA emissions factors. In my view it should be expected to see the CURED EF model results to be consistently less optimistic than the DEFRA EF modelled results. This does not appear to be the case, some results in the CURED EF modelled results are far better than the DEFRA modelled. This would have implications for assessing the overall impact. Comparison of Table 7.15 and Table 7.6 provided below with CURED EF modelled results that are more optimistic than the DEFRA EF modelled results - highlighted yellow.

Table 7.15								Table 7.16					
		DEFRA Emission Factors						CURED Emission Factors					
		2016	2016	2016	2025	2025	2025	2016	2016	2016	2025	2025	2025
scenario		2 to 4	2 to 3	3 to 5	2 to 4	2 to 3	2 to 5	2 to 4	2 to 3	3 to 5	2 to 4	2 to 3	2 to 5
R1	At Site	-1.54	-2.17	3.14	-0.75	-0.75	1.33	-1.18	-1.79	2.44	-0.71	-0.71	1.35
R2	At Site	-2.08	-3	4.34	-1.04	-1.04	1.88	-1.63	-2.51	3.46	-0.98	-0.98	1.93
R3	At Site	-0.2	-0.37	0.6	-0.09	-0.09	0.23	-0.14	-0.3	0.47	-0.07	-0.07	0.23
R4	At Site	-0.11	-0.29	0.52	-0.05	-0.05	0.19	-0.04	-0.24	0.44	-0.02	-0.02	0.21
R5	At Site	-0.14	-0.46	0.84	-0.06	-0.06	0.31	-0.05	-3.8	0.74	-0.02	-0.02	0.34
R6	At Site	-0.26	-0.59	1.02	-0.12	-0.12	0.39	-0.16	-0.5	0.86	-0.08	-0.08	0.4
R7	25 High Street	0.6	-1.53	3.77	0.31	0.31	2.01	0.87	-0.92	4.89	0.58	0.58	2.95
R8	5 High Street	-1.01	-2.43	3.09	-0.6	-0.6	1.61	-0.83	-2.19	3.17	-0.6	-0.6	1.91
R9	15 High Street	-1.96	-4.38	5.46	-1.32	-1.32	3.33	-2.06	-4.19	5.71	-1.15	-1.15	4.13
R10	18 High Street	-2.24	-5.04	6.4	-1.86	-1.86	4.82	-1.78	-4.87	6.96	-2.07	-2.07	5.12
R11	9 Castle Street	-1.96	-4.4	5.48	-1.33	-1.33	3.35	-2.07	-4.21	5.73	-1.16	-1.16	4.14
R12	7 Castle Street	-2.21	-4.96	6.29	-1.82	-1.82	4.72	-1.74	-4.79	6.83	-2.03	-2.03	5.01
R13	6 Castle Street	-2.23	-5.02	6.38	-1.85	-1.85	4.8	-1.76	-4.85	6.93	-2.06	-2.06	5.09
R14	1 Castle Street	-1.97	-4.76	5.97	-1.49	-1.49	3.99	-1.7	-4.51	6.52	-1.44	-1.44	4.49
R15	96 Mill Street	-1.97	-4.76	5.97	-1.49	-1.49	3.99	-1.69	-4.5	6.52	-1.44	-1.44	4.49
R16	21 High Street	-1.94	-4.71	5.91	-1.46	-1.46	3.93	-1.67	-4.45	6.45	-1.41	-1.41	4.43
R17	Toll Gate House	-1.94	-4.7	5.9	-1.46	-1.46	3.92	-1.67	-4.44	6.43	-1.41	-1.41	4.41
R18	583 Caerleon Road	-0.91	-2.18	2.73	-0.52	-0.52	1.39	-0.75	-1.96	2.77	-0.54	-0.54	1.65
R19	9 Station Road	-0.69	-1.59	1.98	-0.35	-0.35	0.91	-0.6	-1.51	2.05	-0.35	-0.35	1.19
R20	13A Mill Street	-2.4	-0.6	0.87	-0.12	-0.12	0.36	-0.2	-0.52	0.9	-0.14	-0.14	0.45
R21	35 High Street	-0.33	-0.89	1.3	-0.18	-0.18	0.54	-0.25	-0.71	1.5	-0.24	-0.24	0.73

The air quality assessment provided a comparison of a non-operational university (Scenario 3) and compared this to a fully realised development for both 2016 and a phased approach completed in 2025 (Scenario 4) -

The updated air quality assessment page 136 states

*“The scenarios using 2016 EF represents a situation where the vehicle fleet has remained the same as today, whereas the 2025 emission factor scenario represents the projected changes in the vehicle fleet by Defra. The impact difference between these two scenarios is large – substantial if after the development is built in 2025 people are driving the same vehicles as today, but slight if DEFRA projections are correct and people have bought cleaner cars. In reality the fleet could change faster than predicted, in which case the impacts will be even lower than Slight, or slower than predicted, but better than 2016. If changes are slower than predicted, but still improvement on 2016 how might the impacts look? These scenarios are shown in [the] table below. This assumes (1) full construction and occupation of the development from year 2017 and (2) an improvement year on year as per the DEFRA EF. Essentially, for any given year, one can see the impact that the full development would have taking into account the DEFRA forecasted emissions for that indicial year. “*

2025 traffic data modelled with emissions factors representing different years - Scenario 3 to 4										
Emissions Factor year selected in the EFT V8.0.1										
R#	Location	2017	2018	2019	2020	2021	2022	2023	2024	2025
R1	At Site	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible
R2	At Site	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible
R3	At Site	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible
R4	At Site	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible
R5	At Site	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible
R6	At Site	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible
R19	9 Station Rd, Caerleon	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible
R20	13A Mill St, Caerleon	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible
R21	35 High St, Caerleon	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible
R7	25 High St, Caerleon	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible
R8	5 High St	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible
R9	15 High St, Caerleon	Slight	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible
R10	18. High St, Caerleon	Substantial	Substantial	Substantial	Substantial	Moderate	Moderate	Moderate	Slight	Slight
R11	9 Castle St, Caerleon	Slight	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible
R12	7 Castle St, Caerleon	Substantial	Substantial	Substantial	Substantial	Moderate	Moderate	Slight	Slight	Slight
R13	6 Castle St, Caerleon	Substantial	Substantial	Substantial	Substantial	Moderate	Moderate	Moderate	Slight	Slight
R14	1 Castle St, Caerleon	Moderate	Moderate	Slight	Slight	Slight	Slight	Negligible	Negligible	Negligible
R15	96 Mill St, Caerleon	Moderate	Moderate	Slight	Slight	Slight	Slight	Negligible	Negligible	Negligible
R16	21 High St, Caerleon	Moderate	Slight	Slight	Slight	Slight	Slight	Negligible	Negligible	Negligible
R17	Tolgate House, Caerleon	Moderate	Slight	Slight	Slight	Slight	Slight	Negligible	Negligible	Negligible
R18	583 Caerleon Rd, Caerleon	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible

*“As an example, if vehicle fleet and associated emissions had improved, but not as much as anticipated, they might equivalent to those predicted by DEFRA for 2022. Column highlighted in Orange. “*

*“This is contrasted with [the table below] which assumes (1) staged build out of the proposed development (dwellings occupied from year 2020) and (2) an improvement year on year as per the DEFRA EF. This shows a ‘moderate’ impact in 2021, which*

reduces to 'slight' in the subsequent years."

R#	Location	3 to 4									
		2017	2018	2019	2020	2021	2022	2023	2024	2025	
R1	At Site	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	
R2	At Site	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	
R3	At Site	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	
R4	At Site	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	
R5	At Site	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	
R6	At Site	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	
R19	9 Station Rd, Caerleon	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	
R20	13A Mill St, Caerleon	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	
R21	35 High St, Caerleon	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	
R7	25 High St, Caerleon	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	
R8	5 High St	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	
R9	15 High St, Caerleon	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	
R10	18 High St, Caerleon	Negligible	Negligible	Negligible	Negligible	Moderate	Slight	Slight	Slight	Slight	
R11	9 Castle St, Caerleon	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	
R12	7 Castle St, Caerleon	Negligible	Negligible	Negligible	Negligible	Moderate	Slight	Negligible	Slight	Slight	
R13	6 Castle St, Caerleon	Negligible	Negligible	Negligible	Negligible	Moderate	Slight	Slight	Slight	Slight	
R14	1 Castle St, Caerleon	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	
R15	96 Mill St, Caerleon	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	
R16	21 High St, Caerleon	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	
R17	Tollgate House, Caerleon	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	
R18	583 Caerleon Rd, Caerleon	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	

Assuming the predicted outcome in the air quality assessment is correct, three receptors would be subject to a slight impact in 2025 as shown in the table above. Given the historic inaccuracy in predicting vehicle emission improvements there is no guarantee the above will be realised and the situation could be much worse. The rate of uptake of electric vehicles has been predicted to be swift, but again not guaranteed.

The additional information submitted in September described the underlying improvement in air quality over the years. It can be agreed there is a slight improvement trend since monitoring began in 2005. The origin of the graphs provided in the additional information do not begin at a zero, making the downward trend more apparent.

The downward trend can also be seen in the national trend of background air quality improvement reported in the Welsh Assembly Air Quality Briefing Paper 2018 – Figure 6 from this report is presented below – Nitrogen Dioxide is shown in blue. It is interesting to note the plateau of background Nitrogen Dioxide Improvement from 2011 onwards, and the slight rise at the end.

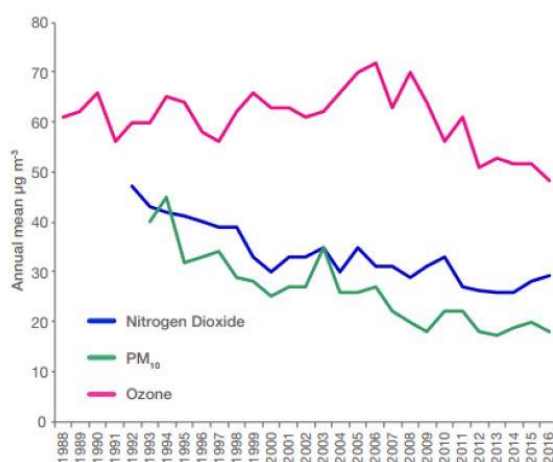


Figure 6 Ambient Pollutant Trends in Wales 1990-2016

The nature of the Caerleon one way system constrains and restricts local traffic flow resulting in many return journeys around the one way system. Unlikely many other AQMAs, this highly restricted local flow of traffic makes Caerleon a particularly sensitive to change in volumes of traffic.

National Government and Local Government are required to improve air quality to the standards/objectives in the shortest possible time. Where air quality objectives have been found to be exceeded an Air Quality Management Area must be declared. The council led studies for the Caerleon AQMA have identified several actions that will be beneficial to air quality. However, the majority of these can only be implemented through a city wide strategy.

Whilst I understand that the applicant is frustrated with the Council not having a revised Air Quality Action Plan, I am of the opinion that even if the plan was in place, the principle control would be the Council's air quality supplementary planning guidance (AQSPG). This guidance is designed on the pragmatic approach which allows development, even if an AQMA is present.

The principle of the Newport AQSPG falls in line with the Institute of Air Quality Management Guidance – Land-Use Planning & Development Control, Planning of Air Quality Paragraph 8.3 – *The presence of an AQMA should not halt all development.*

In July 2018 the AQMA for Caerleon was revised and expanded to include Gwent Cottage within the new boundary at the New Road- Caerleon Road junction. In 2016 monitoring at the façade of Gwent Cottage that abuts New Road indicated elevated levels of nitrogen dioxide of 34.1 ug/m<sup>3</sup> (for reference, Cross Street in the centre of Caerleon away from major traffic impact measured 13.3ug/m<sup>3</sup> 2016). As Gwent Cottage was 20.8um/3 (34.1 – 13.3 = 20.8) above the Caerleon background and having the potential to exceed the 40ug/m<sup>3</sup> objective, it was considered appropriate to include it within the new AQMA boundary.

The façade of Gwent Cottage abuts the road and there is no pavement present. Given the already high air pollution and proximity to the road and junction, it is considered a vulnerable receptor that is that is at risk. The air quality modelling assessment submitted to support this application has not explicitly included this receptor and chosen to use the neighbouring receptor – Toll Gate House. Toll Gate House differs from Gwent Cottage as it is surrounded by a garden and set back from the road. These factors allow adequate dispersion of pollution at Toll Gate House. In the absence of explicit consideration to the Gwent Cottage receptor, it should be assumed there will be degrading of air quality.

Paragraph 7.4 of the IAQM Guidance states:

*The assessment framework for describing impacts can be used as a starting point to make a judgement on significance of effect, but there will be other influences that might need to be accounted for. The impact descriptors are not, of themselves a clear and unambiguous guide to reaching a conclusion of significance. These impact descriptors are intended for application at a series of individual receptors. Whilst it may be that there are slight, moderate or substantial impacts at one or more receptors the overall effect may not necessarily be judged as being significant in some cases.*

Paragraph 7.8 States:

*An individual property exposed to a moderate adverse impact might not be considered a significant effect, but many hundreds of properties exposed to a slight adverse impact could be.*

None of the modelled scenarios are reliable. One includes a baseline that is not agreed and one includes a no development scenario that also appears unlikely in practice. No more realistic scenarios are identified and modelled. There are errors in some tables and it is unclear whether these have affected other tables in the assessment. We have reliable evidence that air quality in Caerleon is, at present, exceeding legal objectives and have done so for a prolonged period. The applicants have confirmed through their own modelling that moderate impacts will arise at properties in the AQMA if emissions reduce slower than DEFRA predications and there is a very realistic prospect of this based upon what we know at present.

Moderate to substantial impacts upon Air Quality can have significant impacts upon human health and prejudice the Council's obligation to reduce impact arising from emissions in the shortest possible time. Whilst some scenarios and some models suggest impacts reducing to slight or negligible, there is uncertainty over accuracy and real life effects bearing in mind the agreed uncertainties over emissions reductions predictions and the absence of a modelled scenario that reflects a more likely trip generation at 2025. Based upon current emissions (or 2016), impact is substantial at some receptors. Based upon 2025 no development vs development, the impact is potentially moderate, only slight if optimistic emissions reductions are accepted as likely.

Given the pressing need to ensure an improvement of air quality in Caerleon - I cannot support this application.

	2017	January	February	March	April	May	June	July	August	September	October	November	December
<b>NCC3A</b>	13 Mill Street (Caerleon)	41.3	27.1	24.8	23.3	20.1	18.4	16.7	19.2	21.6	24.7	37.2	29.8
<b>NCC8</b>	High Street	72.7	56.5	45.4	58.1	50.7	53.6	46.3	48.1	50.5	54.4	71.1	51.3
<b>NCC25C</b>	19 High Street	70.6	56.8	52.7	55.4	47.1	48.8	37.6	41	48.2	53.7	72.5	47.7
<b>NCC26B</b>	15 High Street,	94.2	73.2	72.4	72.6	63.6	58.6	54.1	40	63.7	64.4	83	73.5
<b>NCC27B</b>	18 High Street,	77.1	60.7	52.1	65.5	55.7	42.8	41.7	40.7	53.2	57.2	72.2	61.6
<b>NCC34A</b>	The Priory,	52	50.2	45.9	40.4	35.5	38.7	29.9	33.3			50.7	
<b>NCC35A</b>	6 Castle Street,	47.5	46	45.5	36.3	30.8	34.9	30.5	30.6	31.9	44	42.6	42.6
<b>NCC36A</b>	1 Castle Street,	48.5	41.1	41.7	33.3	29.5	34.2		27.1	30	40.2	43	39.8
<b>NCC43A</b>	7 Castle Street	49.2	43.3	46.7	42.1	32.4	36.1	27.5	33.5	36	38.6	52.8	39.9
<b>NCC47A</b>	9 Castle Street	58.1	52	53.5	48.8	47.6	45.6	36.1	36.6	42	46.6	55	48.1
<b>NCC52</b>	9 Station Road	47.7	34.7	34.6	32.2	24.9	25.1	21.7	22.8	27.6	33.7	38.8	35.7
<b>NCC53</b>	5 High Street	41.7	31.1	30.8	28.4	26.1	19.9	19	19.8	25.6	28.3	41.4	31.5
<b>NCC54</b>	96/98 Mill Street	33	26.5	24.5	21.2	18	19.9	16.2	16.7	19.9	22.6	31.1	26.9
<b>NCC73</b>	Southgate, Whitehart Lane	49.2	35.3	38.3	33.9	30.4	28.9	26.9	30.4	38.3		51.9	
<b>NCC74</b>	Coach House,	47.8	35	31.2	33.4	29	28.6	23.7	24.6		35	40.8	38.1
<b>NCC75</b>	19 Goldcroft	37.4	24.1	25.1	22.4	17.8	16.6	13.7	14.8	14.6	23.8	35	27.6
<b>NCC76</b>	10 Cross Street,	34.2	24.8	25.3	19.6	15.5	14.5	12.4	Missing	Missing	21.2	26.9	26.6
<b>NCC77</b>	Toll House,	37.5	27	26.6	21.3	20.6	22.6	17.5	16.8	21	25.9	31.4	28.8

As requested -raw diffusion tube results for the 2017 monitoring period. Please note an annual mean has not be calculated, bias adjusted, or distance corrected. Nor should the results be directly compared to the annual air quality objective of 40ug/m3.



5.3 HEAD OF CITY SERVICES (TREE OFFICER): objects. TPO 5 of 2016 was made 18 January 2017 and was confirmed with no objections 27 February 2017.

The order was made to protect a range of specimen trees and woodland which had been maintained to high standard by the University of Wales Newport (Caerleon) . Indeed, there are unusual botanical specimens which are amongst the best specimens within Newport, eg 2no Paulownia tomentosa (foxglove tree) a Fagus sylvatica “asplenifolia” ( cut leaf beech) and a Juglans nigra ( black walnut) - canopy shape ,size and health of these trees are credited to the high standards of horticultural practice that took place on the campus together with sensitive development and upgrading of the campus over previous years.

TPO 5/2016 protects 37 individual trees, a group of 23 trees and a woodland.

All the tree information should inform the proposed layout and not vice versa. The proposals do not show this to be the case.

On the submitted plans the tree canopies should be accurately represented and to scale rather than a generic circle shape being shown.

Evidence needs to be submitted that the above ground constraints ( BS 5837:2012)have been fully investigated in order for the tree information to be fully evaluated .

The communal areas need to be clearly indicated on the layout plan as these are important for the overall quality of layout and, in many cases, the long term wellbeing of protected trees. It is understood communal areas will potentially be subject to private management and maintenance and it is considered that they should be clearly labelled, coloured or shaded on a site layout plan for future reference.

The TPO'd woodland (W1) and TPO'd group of trees (G1) to the rear of Isca Court should be clearly annotated.

Specific concerns are identified in relation to a range of drawings provided as part of the application. Key points include:

The “sculptural play ” appears to be far too close to the paulownia ( T16) (nb/ the two paulownias on the campus site are the best examples of this species within the City of Newport)

The cut leaf beech (T17) is the best example of this species within the City of Newport with a high amenity and botanical value , this tree is significant, imposing and has dense foliage cover, therefore it should be afforded enough space to showcase it **ie the open space for these two trees should be made larger and not smaller.**

The proposed units are only 7m away from T18 – lime- again above ground tree constraints need to be considered.eg canopy spread,light and aphids.

As stated in the adopted SPG “Trees, Woodland Hedgerows and Development Sites” – January 2017 – there should be a 5m buffer from the woodland canopy edge(W1) and rear gardens. The proposals do not comply with this.

Evidence has shown that where there is no buffer the woodland edge comes under repeated pressure to be trimmed back from residents.

T3- liriodendron is shown only 2m away from a proposed unit – see above ground constraints – this is not acceptable.

The tree could not grow to achieve its natural form, it would constantly need to be cut back

from the proposed building- the unit should be moved away from the trees. This is a feature tree within a prominent position on the site.

T12 (Paulownia) – the RPA of this tree should be increased (as the rooting area will not extend into the car parking bays as shown on the plan)

The footpath to the rear of the beech T30 and the Paulownia T12 is not acceptable, nor is the footpath to the front of the Walnut T13, the walnut tree has a beautiful canopy which sweeps towards the ground.

Apart from the root damage to the tree (T13) the tree canopy would need to be lifted to achieve normal pedestrian head height.

The resultant requisite pruning would change the canopy character of the walnut and detract from the amenity value of a large quality tree.

The siting of the proposed play area would further impact on the walnut tree, again necessitating the lifting of the canopy and thereby lessening the aesthetic value of the walnut tree.

The play area is physically in the wrong position in relation to the walnut tree and its installation would contravene the adopted playground SPG and EU regulations.

T31 and T32 (oak and lime), the proposals are not acceptable as these TPO trees would need to be felled to facilitate the proposals.

TPO 4,5,6,7 birch trees and the siting of a play area is not acceptable in terms of the SPG relating to Play Areas and the EU Regulations.

5.4 HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH): no objection but requests that the applicant provide the following information:

- The modelled external noise levels for each plot with a facade marked with a 'high' and/or 'medium' exposure level as provided in Figures 7 + 8. The highest LAeq,16hr (0700 to 2300) and LAeq,8hr (2300 to 0700) for each plot will suffice. For ease of reference these external noise levels to be marked on Figures 7 +8.
- Table 16 provides the sound insulation performance for the glazed elements of the building façades. What internal noise levels will be achieved for the dwellings with facades marked 'high' and/or 'medium' exposure levels provided in Figures 7 + 8?
- A plan to illustrate the dwellings with no outdoor living areas meeting the upper threshold level of 55dB LAeq,16hr (0700 to 2300). The predicted external noise levels for these dwellings to be marked on the plan.
- Mitigation proposals to ensure all dwellings meet the upper threshold level of 55dB LAeq,16hr (0700 to 2300) for outdoor living areas.
- It is noted that a primary traffic route for the development site is in very close proximity to the rear gardens of existing houses on the north western boundary (Roman Way). What mitigation measures are proposed to minimise the potential for increased traffic noise at these existing properties?
- What hours of operation for the B1A/D1 use in the Kegie Building (including Phase 11) are proposed to ensure any potential impact on nearby residential use is minimised?

Also recommends the imposition of a CEMP condition and an advisory note relating to construction hours.

5.5 HEAD OF REGENERATION, INVESTMENT AND HOUSING (HOUSING OFFICER):

There is high housing need in Caerleon and I therefore request the provision of 40% affordable housing, 124 units would ensure policy compliance. The properties would need to meet Welsh Government standards and be transferred to an RSL zoned to develop in Newport for no more than 50% of Welsh Government acceptable cost guidance.

- 5.6 HEAD OF CITY SERVICES (PUBLIC RIGHTS OF WAY OFFICER): no objection subject to standard expectations in relation to preservation of PROW routes.
- 5.7 HEAD OF CITY SERVICES (ECOLOGY OFFICER): no objection.
- 5.8 HEAD OF CITY SERVICES (LANDSCAPE OFFICER): Listed building landscape plan L02.01revA is indicative only. A detailed plan should be conditioned showing existing planting and grassed areas to be retained and detailing of any new areas of planting.

In relation to the outline application the landscape proposals are provided across a range of documents: Development Framework;DAS; Landscape Framework;Masterplan. The outline masterplan could become a blue print for development which will result in landscape impacts that cannot be mitigated for in some locations without change to the layout. Residual areas with potential for negative impacts raised previously include character area 4 where it is unclear if front gardens will be deep enough to include tree planting which is required to soften building line from overlooking residential area. More substantial planting is needed on the opposite side of the road. Character area 5 (the mews) –it is unclear on street planting proposals, some planting should be incorporated to provide shade in an area of otherwise dense development of buildings and tarmac. Boundary treatment is unclear, the proposed levels within the site are significantly raised above the street and retaining structures may be required.

There is potential visual impact during the extended construction phase on some adjacent residents and these may be more significant than acknowledged. The LVIA relies upon retention of existing individual trees and woodland to mitigate construction phase impacts but this will not be sufficient. Could a condition be included for an early infrastructure planting plan. Could a condition be included to ensure that relevant LVIA viewpoints are reviewed at each development phase so that the impacts are updated and responded to in the detailed design.

North boundary proposals on SK005 show a 3m wide footway/cycleway presumably of tarmac. Tree layout impact plan 04490 shows mature trees to be retained. A no dig solution is likely to be required. Tree retention should be conditioned. The 3m access is not shown on the masterplan.

Links through the site and links and improvements to the wider cycling network to benefit the local community are not clear, only pedestrian links are shown in the development framework. This may be incorporated into a travel plan but should be shown visually on all layout plans.

- 5.9 HEAD OF REGENERATION, INVESTMENT AND HOUSING (CONSERVATION OFFICER): The overall analysis of the proposal, as set out in the Heritage Impact Statement, is that the conversion to the main building is such that it will have a moderate impact which is considered as a fair reflection. The building does maintain its overall plan form and maintains the character of a former educational institution. Importantly the now redundant building will find a sustainable use for the future. The removal of those modern extensions and additions, mainly found to the rear of the main building, are considered justified on the basis that this will not only improve the setting of the listed building but will result in the reinstatement of those external elevations currently lost.

The change of use to the former Principals and Caretakers residences are considered to have a minor impact. The reinstatement of a residential use to these buildings is welcomed and will not require a great deal of amendment resulting in the retention of the special character of the properties. The main impact here is from the conversion of the former storage area to a residential use. The character of this simple building is considered to have been conserved in terms of its former use remaining visible to the onlooker through its

sensitive design. The conversion will also result in a sustainable use for its future protection.

Altogether it is considered that the proposals set out within the application will preserve the character of the listed buildings and the proposal is supported subject to those conditions previously noted.

This response is provided with the caveat that those two items raised within my recent response to the updated plans will still require a response. These two items are as follows:

*Your response to the loss of panelling to GF12 suggests that my initial comments were not clear; I apologise for that. As you enter the existing room there is a wall with timber panelling and a window (photo attached). This is not marked on the demolition plan but is being removed. I require justification for its loss, I am happy to come on site to explain if that is easier.*

*Village Hall windows- I am concerned over the inconsistency of design of the windows to the northern elevation. There are two existing windows remaining and to the right hand side of this (west) there is a new window proposed that reflects the style of the main building rather than its neighbouring two. Is there a specific reason for this? It would be preferable for a new window here to reflect those existing within the elevation.*

- 5.10 HEAD OF REGENERATION, INVESTMENT AND HOUSING (PLANNING POLICY): the policy context is set out in the relevant section of this report. In addition to this, the Planning Policy Manager has commented as follows:

The application proposes a residential led, mixed use redevelopment of the former Caerleon Campus site. The mix and type of uses proposed are considered appropriate in principle to the locality which is predominantly residential in character. The proposed employment and D1 elements of the scheme contribute to employment and community facility objectives of the LDP and are consistent with the principle of locating jobs and facilities within communities. However, whilst the use types proposed are considered to be compatible with the locality, the acceptability of the scale of the development and in particular the traffic movements and air quality issues associated with this will require further consideration to satisfy the relevant policies.

The site is previously developed land within the defined settlement boundary and its redevelopment is therefore acceptable in principle subject to satisfying any development constraints associated with the site.

Whilst the redevelopment of the site satisfies sustainability and urban regeneration issues relating to use of land, it does however, raise other sustainability concerns such as highways and air quality. These will need to be addressed for the proposals to fully satisfy policy SP1 – Sustainability.

The proposed mix of dwelling types and sizes is supported and will help meet a range of housing needs. A density of at least 30 dwellings per hectare is required for the housing element of the proposals. A density of 23 dwelling per hectare is achieved when calculated on a whole site basis. However, when the developable area is used as a basis for calculation the density achieved is approximately 33 dwelling per hectare satisfying the policy requirements.

The application site includes 4 Grade II Listed Buildings. The retention and re-use of these is therefore supported and is considered to enhance the overall environment of the development. The proposed conversion to a residential use of the main building, Ty Webly and Ty Hywel is considered acceptable in principle, subject to satisfactory comments from the Built Conservation Officer that the works will not impact on the historic importance of the buildings.

The application proposes the removal of the Sports Centre and associated tennis courts. In assessing the demand for the facility the tennis courts have been considered as part of the overall facility to reflect that they do not function as a stand-alone facility. This approach is considered reasonable. In accordance with Policies CF1 and CF12 the removal of such facilities will be permitted where alternative provision of the same benefit is provided or the land or building(s) is surplus to requirements. The applicant has provided evidence within Appendix 12.1 – Sport Leisure & Open Space Study of the Environmental Impact Assessment which concludes that the local community is not sufficient enough for the facility to function on a self-sufficient basis and that the closure of the campus has removed the primary purpose of the sports centre. This stance has been reached through undertaking informal and formal marketing of the facility and failing to find an alternative company to occupy and manage the facility. On this basis of the supporting information submitted, it is considered reasonable to conclude that the sports centre (and associated tennis courts) is surplus to requirements without the university campus to provide a large proportion of the users and subsidy towards its running costs. Its removal is therefore considered to satisfy the requirements of policies CF1 and CF12.

Paragraph 3.3.2 of Appendix 12.1 – Sports Leisure & Open Space, of the Environmental Impact suggests that the formal requirement generated as a result of the new residential development equates to approximately the size of a full size rugby pitch. It goes on to note that this may effectively be delivered on-site, by retention of the existing pitch. The acceptability of this should be discussed with the Planning Contributions Manager as the rugby pitch is already included in the levels of provision for Caerleon prior to development, for which a shortfall exists. Play provision to satisfy the demand generated by the new resident population should be in addition to existing provision in the locality. It is acknowledged, however, that the provision of new changing facilities and facilitating the rugby pitch's long-term public use does offer a form of enhancement to the existing arrangement. Full play space requirements, maintenance and management arrangements should be agreed with the Planning Contributions Manager.

The mature trees bordering the south east boundary and the grouped trees known as the arboretum on the northern boundary are an important natural feature of the site and their retention is supported. There are also a number of TPOs located on site. Retention of these would greatly enhance the design quality of the scheme and provide ecological benefits in terms of connectivity and habitats. The requirements of the Council's Green Services section should be sought to satisfy Policy GP5. Additional details in respect of survey seasons etc. can be found in the Wildlife and Development SPG.

## **Conclusion**

The redevelopment of the campus site meets a number of key sustainable regeneration objectives, including the reuse of a brownfield site. The proposed land uses are considered acceptable within the locality and the retention of open spaces and listed buildings is supported and considered to enhance the overall scheme. However, Planning Policy is not in a position to fully support this application until the issues relating to the impact on the highway network and the Air Quality Management Area have been agreed with the relevant consultees.

- 5.11 CHIEF EDUCATION OFFICER: A development of the size proposed (310 dwellings) would expect to result in additional children in the area the majority of who will need a place in one of the existing local Caerleon schools. Taking into consideration that 10% of the new dwellings will be affordable housing, it is estimated that we will need an additional 67 extra primary school places and 53 secondary places and appropriate capital and revenue funding so that we can support these additional children.

Providing additional school places in Caerleon will be more expensive than in other areas of the city. Resources provided by the developer for additional school places would need to take account of the additional time and cost of building on sites that are known to be on or close to land with historic significance and the watching archaeological brief that will be

required. The school sites are all relatively confined and may require temporary accommodation to be provided, whilst building of additional classrooms takes place. This may need to be provided at a separate location. There is some uncertainty about whether planning permission would be granted at the local schools and consideration will need to be given to which local school and which solution for additional places would be possible.

An agreement from the developer should ensure that the costs of providing the additional school places are expected to be met by the developer in full.

The contribution requested in the Heads of Terms is supported in principle as it accords with the current adopted Supplementary Planning Guidance (SPG). However in practice the provision of additional capacity at the schools in the locality is likely to cost in excess of this due to the physical and site constraints already outlined.

Whilst the actual costs can only be determined at the point that schemes are planned in detail, a review of data taken from the Educational Building and Development Officers Group (EBDOG) who have taken cost data from 78 local authorities across England in February 2017 provides a useful starting point to consider what the actual costs might be. If these are adjusted to include Building Research Establishment Environmental Method (BREEAM-not a requirement in England), furniture, fixtures and equipment (FF&E) and then taking into consideration what we know of both the primary and secondary sites, this suggests that the funding required to deliver the full cost of the places is in the region of £2.6m for primary and £1.9m for secondary school.

The contribution identified in the Heads of Terms is the minimum necessary in this case, and anything less than this will not be supported.

5.12 HEAD OF CITY SERVICES (DRAINAGE): no response.

## **6. REPRESENTATIONS**

### **6.1 NEIGHBOURS:**

All properties within 50m of the application site were consulted (122 properties), 4no. site notices displayed, and a press notice published in the South Wales Argus. 129 letters of objection have been received. These objections raise the following issues:

- Impact upon traffic, transport infrastructure, highway safety, and congestion;
- Air quality, pollution and human health;
- Impact upon local health services and their capacity to accommodate additional population;
- The impact upon local amenities and infrastructure including local schools and leisure facilities;
- The visual impact of the development;
- Disturbance during construction;
- The sustainability of the development;
- Potentially better uses for the site;
- Impact upon local drainage;
- Impact upon ecology.

The following are extracts from some representations received that reflect the points raised in relation to some of the above:

*The transport infrastructure of Caerleon does not seem suitable now, let alone during 7 years of extra lorries/building machinery and after 300 plus new residences of multi occupancy have been built.*

*Potential new vehicles associated with the development will greatly exceed the numbers of vehicles ever expected during the university's lifetime, and will add additional strain to the one way system during rush hours.*

*The additional traffic also needs to be assessed in terms of other recent developments such as the new housing being build on the road to Ponthir and the new hospital in Llanfrechfa for which Caerleon will be a key route for hospital staff and visitors.*

*At present there is a two lane system [at College Crescent], one for turning left and one for turning right. By restricting the exit to single lane, along with the additional traffic, can only result in more delays at this junction and more pollution.*

*The scale of the proposal is too great for the campus site. Caerleon does not have the appropriate infrastructure or amenities to cater for so many additional dwellings and associated pressures.*

*At the time the University was open, students and employees were travelling into Caerleon and residents commuting in opposite direction. Of course when all residential units are occupied the likelihood is that all cars will be leaving and entering Caerleon at the same time causing a vast increase in traffic congestion at those times and subsequently pollution levels within the village and congestion on the Ponthir Road...The result of this will be further problems on Broadwalk and the junction with Lodge road; and increase in traffic using the narrow congested roads on the Lodge estate to access the Roman Way entrance or use Lodge Hill to enter Lodge Road.*

*The university staff were told to pay for car parking and encouraged to car share to reduce emissions.*

*Pedestrian and cycle links from the site along College Crescent and on Ponthir Road are potentially unsuitable due to stepped access, narrow pavements, very poor visibility, overgrown verges, lack of crossing points, narrow road and busy traffic.*

*A survey should be carried out to assess the suitability of the stone bridge that crosses the Usk.*

*Caerleon already has the highest level of NO2/particulate air pollution in Newport...It is quite wrong to suggest the development will make little difference to the current air pollution levels. Even at its busiest period, the university's student and staff numbers did not equate in any way to the increase in traffic such a new development will produce.*

*The nitrogen dioxide levels on High Street are dangerously high and will only increase should a new large housing development occur at the USW campus site. The USW claim that since the closure of the University campus, traffic has decreased in Caerleon due to less vehicles going to and from the campus. However, they have not accounted for increased traffic levels due to new housing developments at Trinity View and the Greenmeadows Estate. Traffic has also increased at St Cadocs Hospital.*

*Newport City Council and Gwent Police have consistently failed to enforce the weight limit for non local lorries crossing Caerleon bridge and using the village as a through-route. They have failed to monitor, reduce or enforce speed limits on Belmont Hill, which is a recognised accident hotspot.*

*More housing/light industry is not sustainable.*

*The 2 village schools are on the one way system, what impact will the extra vehicles, the pollution from these vehicles have on school children with the playgrounds right next to the road.*

*The traffic problems in Caerleon are well known. The air quality in Caerleon is already adversely affected by the huge volume of cars, vans, buses and heavy goods vehicles that pass through Caerleon daily. Existing levels of pollutants in the air in Caerleon consistently exceed the limits deemed to be safe by the World Health Organisation. Further development of houses on the site of the former university campus will significantly increase traffic flow through Caerleon. This has profound implications for the health and*

*well being of those who live, work and are schooled in Caerleon. To ignore the available evidence would be an abrogation of responsibility.*

*The only doctors surgery in Caerleon, Isca Medical Centre is already over capacity.*

*There is no adequate or dedicated Police provision in Caerleon.*

*Caerleon Comprehensive School is over crowded and currently has 1600 pupils. Many buildings are in a state of disrepair and the whole site needs regeneration.*

*It seems a shame and wasteful that some of the University site buildings will have to be demolished after only about 20 years of use (some of the halls of residence, etc). Surely the site would be better kept and upgraded as some sort of public amenity with new schools and leisure facilities for use by and benefitting the whole population of Newport.*

*The campus site is a key mature ecological feature north of the railway in Caerleon.*

*There are no leisure facilities in Caerleon.*

*The excellent sports facility was well used by individuals and community groups before the decision was taken by the USW to close it and this has particularly impacted young people of the town.*

*The feeble proposition to retain the rugby field as a concession towards implying a concern for incorporating green space within the development is an insult to local people.*

*The proposals for future use of the Kegie building and those older buildings that have been given a listing by Cadw lacks any particular credibility or suggestion of serious evaluation to meet a definitive and sustainable use in the future.*

*We will now have properties and residents overlooking our garden.*

*We do not believe the full proceeds from the sale of the campus site would completely benefit Newport as some of the money would be diverted for USW plans in Cardiff and Treforest.*

*Whilst I agree that the old university should be developed, and am pleased to see the old building is to be retained, the current proposals only serve to line the pockets of the developers at the detriment of the village of Caerleon.*

*Due to the loss of the sports centre and increase in pollution in the High Street AQMA, the proposal is contrary to both the Wellbeing of Future Generations Act and is also contrary to policies GP4, GP6, GP7 and CF1 of the Newport Local Development Plan.*

*The Council will be aware of the continual problems with flooding at the junction of the footpath adjacent to the proposed development site and Ponthir Road...the proposal to direct surface water to the ditch that runs alongside the footpath is almost certain to exacerbate the problem.*

- 6.2 COUNCILLORS GILES, HUGHES AND WATKINS were consulted and have commented as follows.  
COUNCILLORS GILES AND HUGHES have stated:

We wish to object to the above application on the following grounds:

### **1. Public Opposition**



**Since closure of the campus hundreds have attended three public meetings to date, as well as submitting written objections to the University and on social media. Opposition remains very high.**

- Air Pollution** – Caerleon is an ancient historic town internationally renowned for its Roman remains, which attracts over 80,000 tourists and visitors annually. Regardless of its extremely restricted road infrastructure, there has been significant housing development resulting in a huge increase in traffic and its associated air pollution. Caerleon is a designated Air Quality Management Area and High Street is the most polluted in Newport. Air pollution is already constantly well above current EU limit resulting in High Street residents and hundreds of school pupils walking through air pollution every day. Health risks associated with air pollution are very well documented.

Pollution is also increasing in adjacent streets. Studies undertaken by Newport City Council identify the amount of traffic and the type of road infrastructure result in poor traffic flow which raises the pollution levels. This is very obvious at peak times, particularly with school traffic and the serious impact of any increase in pollution levels arising from the development cannot be underestimated nor overlooked.

There is very little parking space in Caerleon and irresponsible and inconsiderate parking is widespread, putting pedestrians, including school children, at risk.

There has been wide spread criticism of USW's traffic impact assessment of the overall traffic flows from a proposed residential development, including a lack of confidence regarding the mitigating factors set out by the University

- Significant residential development** – Caerleon is already overdeveloped, with very little open public space other than that owned by CADW. This proposed development is considered to be inappropriate in scale and size and would potentially result in a population increase of up to 1,500 in a community with a current population of 8,000. Clearly this results in many thousands of additional car journeys adding to air pollution, traffic and parking problems. There is concern that the development of the Campus site will adversely affect the setting of the listed Campus buildings and prejudice the overall ability of Caerleon to fulfil its role as a site of recognised historic interest.

In addition there is a lack of clarity in the EIA regarding the rugby field and the Kegie (Phase 1) building. Guarantees must be obtained for the planned open spaces.

It has not been made clear how the developers plan to access and exit the site without impacting on current traffic levels and there are very strong concerns about the potentially huge disruption and disturbance the development will cause over many years.

**Quality of Development** - The proposed development is not of a standard that recognises the significance of the site, both historic and geographic (joining the 'old' town to newer developments), nor will it enhance the whole community. It appears to be low quality and high density rather than a high quality development, attractive and minimising any impact on the wider community.

- Effects beyond the immediate area** – every street in Caerleon is affected by each new home built and the car/s associated with it. All roads are adversely affected by poor traffic flow, including ingress and egress on to main roads to Newport areas and Cwmbran, and further on to the M4. Pollution and traffic levels in New Road and Belmont Hill, Caerleon, across the bridge from the main town, are increasing to significant levels. Traffic jams from the Ship Inn up Belmont Hill are now a daily occurrence, both morning and evening, with traffic queues causing regular tails back over the top of Belmont Hill.

The new hospital build is currently underway in Llanfrechfa, which can be accessed via Ponthir Road, Caerleon. There are concerns about access for emergency vehicles; it can take 20-30 mins to just travel through the town in rush hour!

Concerns have been raised about the current speed and density of traffic making a right turn out of College Crescent onto Ponthir Road very difficult, even potentially dangerous, and also the junctions to Broadwalk and Usk Vale Drive.

5. **Protecting the whole community-** A main concern and criticism that have been raised over decades is the fact that planning applications are decided as individual cases and do not take into account unique conditions such as those found in Caerleon. It is not about Nimbyism; it is about protecting and valuing the whole community before every inch of it is built on!

There was a sense that development in Caerleon is not being controlled in that it is increasingly detrimental.

There are concerns about the considerable pressure on:

- Caerleon's roads and historic bridge by increases traffic and heavy vehicles.
  - Pressure on local schools: Caerleon Comprehensive School, Charles Williams Church in Wales Primary School and Caerleon Lodge Hill School. It is vital that there are sufficient funds raised via any 106 Agreement.
  - GP and dental services: - these are already stretched by the existing population, with residents reporting 4 week waits for an appointment. The removal of the sports facility continues to be strongly criticised, particularly at a time public health is such a priority.
6. Need for a Caerleon Plan - There is an absolutely crying need for integrated planning that takes into account Caerleon's needs as a community, rather than individual planning applications which continue to have a combined damaging effect over time.

We, therefore, request that this application is refused.

COUNCILLOR WATKINS has submitted a public statement on this matter that stated:

### **AIR POLLUTION**

The 2008 ambient EU air quality directive (2008/50/EC) sets legally binding limits for concentrations in outdoor air of major air pollutants that impact public health such as particulate matter (PM10 and PM2.5) and nitrogen dioxide (NO<sub>2</sub>).

The current EU legal limit is 40 micrograms of Nitrogen Dioxide per cubic metre.

We attach 2016 recorded levels of Nitrogen Dioxide levels for the Caerleon High Street / central one-way system. There is presently an Air Quality Management Area (AQMA) in operation on the High Street.

- The main High Street recorded an average reading of 42.1 although it did reach a raw high 65.1 in November 2016.
- 15 High Street recorded an average reading of 54.1 although it did reach a raw high of 76.9 in June and 82.2 in December 2016. This is more than double the amount outlined in EU legislative law.
- 18 High Street recorded an average reading of 49.3 although it did reach a raw high of 75.2 in both November & December 2016.
- 19 High Street recorded an average reading of 44.4 although it did reach a raw high of 75.2 in December 2016.
- 9 Castle Street recorded an average of 37.0 although it did reach a raw high of 59.2 in December 2016. It also exceeded a raw high above 40 on ten of the twelve months.

- 6, 1 & 7 Castle Street also all displayed average readings under 40, however they did all present raw readings above 40 in various months through the year with 1 Castle Street displaying 51.3 in January 2016. They are precariously near and over EU regulatory levels.
- Although Goldcroft Common saw lower levels of air pollution (because of its open space) it did in fact still exceed a raw reading of 41.3 in December 2016.

## **THE CAMPUS DEVELOPMENT / TRAFFIC LEVELS**

We are led to believe the USW housing proposal consists of 263 homes and 42 flats. This could potentially place another 500 vehicles on to Caerleon's roads, given one household will operate at least one to two vehicles. Even a conservative estimate would place the number at 300 vehicles, which is still a high number. This will directly increase traffic levels and will increase NO<sub>2</sub> levels on the one-way system. Caerleon is in a unique position whereby the one-way system (leading to Caerleon Rd) is only major route South leading in-and-out of the town. The only other route South is the Pillmawr Rd Lane, which is totally inadequate on a major route.

The nitrogen dioxide levels on the High Street in Caerleon are dangerously high. This is outlined and backed-up by solid recorded evidence. This will only increase should a new large housing development occur at the USW Campus site.

The USW claim that since the closure of the University Campus, traffic has decreased in Caerleon due to less vehicles going to and from the Campus. However, they have not accounted for increased traffic levels due to new housing developments at Trinity View and the Green Meadows estate. Traffic has also increased at St.Cadocs Hospital. Either way, this irrelevant anyway as the NO<sub>2</sub> levels presently exceed EU regulatory levels on the main one- way system - and have done since 2012.

NO<sub>2</sub> levels have not dropped since the closure of the Campus.

## **NATIONAL BACK-DROP / CAERLEON HEALTH CONCERNS**

In February 2017 Britain was sent a final warning to comply with EU air pollution limits for nitrogen dioxide (NO<sub>2</sub>) or face a case at the European Court of Justice. An estimated 50,000 Britons die prematurely each year from respiratory, cardiovascular and other illnesses associated with pollutants such as NO<sub>2</sub> particulate matter (PM) and ozone. Admittedly, the 50,000 number is an estimate, however a report in November 2016 from the European Environment Agency said the UK had 11,940 premature deaths in 2013 from Nitrogen dioxide (NO<sub>2</sub>). In October 2017 this figure was revised to 52,240 deaths for 2014. This was the second worst statistic in Europe after Italy. The situation is believed to have worsened in the 4 years since 2013.

Given the national backdrop above, it should now be highlighted that Charles Williams Primary School is located directly on the High Street / one-way system. Caerleon Comprehensive is located within 300 yards of the one-way system. It is estimated that during the daily school-run anywhere up to 500 children may walk through Air Quality Management Zone and are at direct danger from the heightened levels of Nitrogen Dioxide (NO<sub>2</sub>). Caerleon has a sizeable elderly population who are also at a greater risk of ill health from high Nitrogen Dioxide (NO<sub>2</sub>) levels.

## **LEGAL OBLIGATION**

Local Authorities (Councils) have a legal obligation to adhere to EU legislation. It is our view that it is impossible for Newport City Council to grant approval for the application in its current format. This would directly contravene EU legislation. We believe that even if this application were sent to the Welsh Government on appeal, it is highly likely to be rejected also.

## CONCLUSION

In conclusion, the Caerleon & Christchurch Conservative Party Group does not support the proposed application and will strongly oppose it in its current format. We are working closely with the Caerleon Civic Society. We will also work with representatives from the Caerleon Labour Group on this matter.

Finally, we believe the USW should have fully researched - in advance - before pressing ahead with the closure of the Campus in respect of the sale of the site. It was highly likely the sale would be made to housing developer. We do not feel the USW properly understood the ramifications of how Caerleon's complex infrastructure problems would have on any future sale and redevelopment. The situation is a mess.

We are calling for this matter to be sent to the Welsh Assembly Government in respect of detailed scrutiny.

COUNCILLOR WATKINS has also provided comments to the case officer as follows:

I have a number of concerns re this development proposal all of which give rise I believe to serious consideration. Firstly there are issues in respect of density and design of buildings the quality of design leaves something to be desired and the density of the proposal also affects the quality of the environment.

Main Access into Caerleon is a major cause for concern together with the volume of traffic current. Traffic is directed via a one way system in terms of access and exit and currently at certain times of the day it is backed up along Bulmore Hill and Ponthir Road, volume is then exacerbated through said one way system. Buses and Heavy vehicles add to this problem on a daily basis this will worsen during the building period which I understand will take a considerable period of time. Traffic volumes will only increase when these homes become occupied there will be further traffic as a result of planned business premises on the site.

I should also highlight the condition of the two road bridges which form part of the network to the site both of which are narrow and not without concern as to their safety. Furthermore the only other access from Malpas into Caerleon involves a narrow and dangerous lane already the subject of a number of accidents and traffic incidents

This leads me to the issue of NO2 emissions and Air pollution already acknowledged to be well above acceptable levels in the one way system It is worth noting that there is a Primary School and a GP Surgery on this one way system facts which add to the concerns for health and wellbeing of all who have need to use these facilities in particular but of course anyone using this road.

The influx of housing on this scale will give rise to the need for increased places for Education at both Primary and Secondary level I am given to understand that all schools in Caerleon are at PAN limit and would therefore be unable to absorb any higher numbers so there begs the question of how would a substantial increase in the number of children be able and supported to access education?

Health facilities in Caerleon appear also to be stretched to capacity a large influx of new residents would require a substantial increase in Health care provision.

All in all the issues around the lack of infrastructure to support this application are substantial to say the least. Development of this site to some extent may be beneficial as if left to lie derelict would not be without potential problems but my views are that all the issues around infrastructure must be fully addressed as part of any process and permission.

Caerleon Civic Society (CCS) opposes the planning application submitted by the University of South Wales (USW) for its former campus in Caerleon on the following grounds.

#### 1. Infrastructure.

- - Education. CCS does not accept the assertion by USW that there is space in all 3 Caerleon schools to accommodate the existing population plus any children from the 300+ dwellings proposed. CCS acknowledges USW's proposed contribution to the shortfall in Sixth Form provision.
- - GP services. These are already seriously stretched by the existing population: 4 week waits for an appointment are commonplace now. USW has done little more than assert there is no anticipated problem.
- - Roads and bridges. One of the major issues for Caerleon is its constricted position on the River Usk and the very narrow one-way system, both of which have a severe impact on the flow of traffic with the existing population. In addition 2 of the main access routes, Pillmawr Road and Belmont Hill, have very limited capacity. Gwent Police have stated that where Lodge Rd crosses the railway line it is not wide enough for a legitimate two way route. The beautiful but narrow Usk River Bridge struggles to cope with traffic it was never envisaged to bear; it has not had a recent structural survey, and one is not planned for some time. CCS considers such a survey to be vital to the viability of this application. The access routes on the site itself are not sufficient, especially as one of them is one way: thought must be given to a third access route. CCS understands that the St Cadocs hospital site has generated an additional, unexpected 450 vehicles.

The following sections of the NCC LDP are all relevant to the application and CCS expects NCC Planning to explain how the application passes these standards.

- GP2 General Development Principles (GDP)- General amenity.
- Development will be permitted where, as applicable,
  - i The proposed use and form of development will not be detrimental to the visual amenity of nearby occupiers or the character and appearance of the surrounding area.
- 3.11 The scale, nature and siting of a proposal must be appropriate to the location and must not undermine the character of either the site or the locality.
- GP4 GDP- Highways and accessibility.
- Development proposals should
  - iii be designed to avoid or reduce transport severance, noise and air pollution.
- GP6 GDP- quality of Design.
- Good quality design will be sought
  - i in the context of the site: all development should be sensitive to the unique qualities of site and respond positively to the character of the area.
- GP7, GDC- Conservation Areas
- Development within or adjacent to CA's will be required to be designed to preserve or enhance the character or appearance of the CA.
- 4.33 In line with CADW's response Supplementary Planning Guidance will be produced for the Caerleon area to include a review of the CA, to advise development proposals which

have the potential to affect the extensive areas of Roman remains and medieval settlements.

CCS notes that the Consult Responses Statutory of 2 departments of NCC are deeply critical of USW's proposals with multiple criticisms of the approach adopted by USW and the actual data presents with even basis information such as the measurements of pavements being inaccurate. The Highway consultant response 15/11/17 states clearly that the fall-back position for Baseline Traffic Demand- ie that the proposed development will have reduced traffic by comparison with when the USW campus was a fully operational campus- has not been agreed with NCC and is not accepted. "As the fall-back position has not been agreed, the future year scenario 2025 is rejected." The report concludes that the USW's Traffic Assessment's view that then development can be accommodated within the modelled capacity of highway "As set out in the review has not been demonstrated." This reinforces CCS's view that USW has proceeded by assertion and not accepted facts.

Carl Jones, Chief Engineer, 15/11/17, points out that the proposals breach the Active Travel Bill (ATB). "The ATB requires the applicant to provide new links and/or improvements whilst only local improvement is proposed. This does not satisfy the requirements of the ATB." USW is trying to shirk its responsibilities under the ATB.

2. Air pollution. Figures for the High St of NO<sub>2</sub> emissions are unacceptably high. USW's "mitigating factors" regarding this chronic issue are not credible; in addition any figures for early 2017 are irrelevant because the university has been closed since mid-summer, consequently traffic scores are way down on what they would be with the development once it has been completed. The 2008 ambient air quality directive sets legally binding limits for concentrations of major air pollutants that impact public health such as particulate matter. The current EU limit on NO<sub>2</sub> is 40 micrograms per cubic metre. Addresses in High St have recorded highs of 75-77 in December 2016, that same month 15, High St, reached a raw high of 82.2. These levels are a clear breach of the regulations. The Charles Williams primary school needs protection from air pollution. It has been calculated that as many as 500 pupils walk to school through this air pollution.
3. The report of Environmental Health, 15/11/17, provides the strongest criticism that of the failure of USW to take on board the issue of air pollution and that this development is certain to worsen it. Quoting the Response:"1. "E H objects on air quality grounds to the scale and design of the proposed development. The design is car-centric which will cause a significant increase in traffic generated through the Caerleon Air Quality Management Area.... 3. "Air quality data does not suggest any sign of the necessary significant improvement to become compliant with the legal limit...4. The proposed scale and design of the development will mean future site users will follow the same traffic routes, causing the local air quality to deteriorate further." In addition EH also notes regarding the unaccepted fall back position that "no information of the actual usage of the [former] campus has been provided" so the Traffic Assessment's assertion that the university traffic was greater than that of the proposed development has no basis in fact- a truly astonishing situation. The Response's conclusion speaks for itself and CCS "There [is] no alternative but to recommend REFUSAL."
4. Density/quality of design. All of the illustrations of the proposed development show a really low quality of design, thus explaining how it is that 300+ dwellings can be fitted on the site. CCS has consistently endorsed the pressure that the Design Commission For Wales has repeatedly put on USW to look for design quality on a prestige site. High quality means fewer dwellings: fewer people, fewer vehicles and fewer of the attendant problems caused by such large numbers. CCS believes that the site will be attractive to families, again raising numbers of people- and cars. CCS calls on NCC to keep the density of any application for this site to be kept to the absolute maximum of 30 dwellings per hectare in accordance with the LDP.

4. Supplementary Planning Guidance.

CCS urges NCC to suspend the planning application until such time as the SPG in 4.33 of the LDP is produced and considered in full.

CCS urges officers of Newport City Council Planning Dept to recommend rejection of the application in its present form and requests councillors on the Planning Committee to endorse that rejection on the grounds proposed by CCS and any others considered valid.

- 6.4 PONTNIR COMMUNITY COUNCIL: request that the Council consider adequate walking and cycling links are achieved in any redevelopment of this site and provide plans of easy grade connection from the site to Ponthir Road which they hope the Council would consider including as planning gain.
- 6.5 NEWPORT LIVE: no response.
- 6.6 NEWPORT ACCESS GROUP: no response.
- 6.7 GWENT WILDLIFE TRUST: no response.
- 6.8 NEWPORT CIVIC SOCIETY: no response.
- 6.9 WILDLIFE IN NEWPORT GROUP: no response.
- 6.10 REGIONAL AMBULANCE OFFICER: no response.

## **7. ASSESSMENT**

### **7.1 General**

7.1.1 Having regard to the information provided in support of this application and the significant amount of comment provided by consultees, there are several matters that are to be considered material to the evaluation of the proposals. Some of these are positive and clear merits of the scheme. Some of these are negative impacts. The following sections of this report will provide more detail on the project itself, set out the merits of the scheme and officer consideration of these, and confirm those matters to be considered alongside the planning merits. Some of these are considered to be key (primary issues) to the determination of the application, others less so (secondary issues). Those considered key or primary are generally considerations where technical consultees have raised objections to the information supplied or, having regard to the fact that the Council has determined this project to be EIA development, have been considered likely to have significant effects on the environment. Secondary or lesser issues are those matters that are material considerations considered unlikely to have significant effects on the environment or those matters where technical consultees have raised no objections or matters that can be resolved or mitigated by planning condition if necessary. The report will set out officer consideration of the planning balance (i.e. the weight to be afforded planning merits and objections) in this case before making its recommendation to the Planning Committee.

7.1.2 The application is for the development as described by this report and whilst officers are mindful that the community may have its own ideas for the best future use of the campus site, some of which are reflected in the neighbour representations summarised in this report and the pre application consultation exercise undertaken by the applicants, officers have considered the development applied for. Discussion of alternative options considered by the applicant occurs in the Environmental Statement and justification of changes proposed to the heritage assets is included within the submitted Heritage Statement but options for the relocation of the comprehensive school to the site or the setting aside of the site as a public space for example do not form part of these.

### **7.2 The Proposal**

7.2.1 As confirmed in the report introduction, this is a major development project. The outline elements of the proposal have all matters reserved except access however a significant amount of information has been provided in support of the application. This provides information on how the site could look with 263 housing units (this excludes those proposed

as part of the listed building conversions), the retention of the sports pitch and with an access point retained off Lodge Road and an egress only to College Crescent. As reserved matters of layout, landscaping, scale and appearance have been reserved, any future reserved matters submission(s) may look very different from the masterplan now presented and it will be for the Local Planning Authority to consider whether, if considered necessary, conditions are required to control housing numbers, phasing and masterplanning going forward. The breakdown of residential units that form both the full and indicative outline elements of the scheme are as follows:

Residential	Beds	Area (m2)	Units	%
<b>Existing Buildings</b>				
<b>Main Building</b>		4815		
1 bed apartment*	1		23	7.4%
2 bed apartment*	2		18	5.8%
3 bed apartment*	3		1	0.3%
<b>Principal's Residence (T J Webley)</b>		322		
2 Bed House	2		1	0.3%
4 Bed House	4		1	0.3%
<b>Caretaker's/Gardener's Lodge (Ty Hywel)</b>		187		
1 bed apartment	1		1	0.3%
3 bed house	3		1	0.3%
<b>Felthorpe House - 5-6 bed house</b>	5	239	1	0.4%
<b>Total</b>			47	
<b>Proposed Buildings</b>				
Apartments (1 & 2 bed)	2	70	48	15.5%
2 Bed FOGs	2	62	11	3.5%
2 Bed House	2	83	35	11.3%
3 Bed House	3	96	76	24.5%
4 Bed House	4	100	69	22.3%
5 Bed House	5	120	24	7.7%
<b>Total</b>			263	

7.2.2 Key elements of the outline and full elements of this application are summarised in the introduction but notably include the partial demolition, refurbishment and conversion of the listed buildings on site (the heritage assets) and the retention of the listed gate piers. The buildings were vacated by the University in 2016 but parts of the main building in particular have been used on and off since then by a film production company. The buildings are not currently at risk and the site is currently secure but clearly the retention and re-use of the listed buildings is welcomed in principle.

7.2.3 The list description for the principal building states: “*Caerleon Teacher Training College building is listed for its special architectural interest as a well preserved example of early C20 educational architecture, a teacher training college of fine quality and character. Its form and appearance reflects the functions of the College and the requirements of teacher training during this period.*” The other buildings are also stated to have similar architectural interest, and all are considered to have group value.

7.2.4 Areas of the building to be demolished range in age and include the sports hall, a fairly recent construction given planning permission in 2007 and the Rathmell building that has been described elsewhere as a “cascade of steel and glass”. The latter is a dominant feature of the site when viewed from wider range vantage points to the north and west in particular. It appears as a glazed, tiered and angular extension to the more traditional form of the main listed building. It may be well regarded by some but its form and materials jar

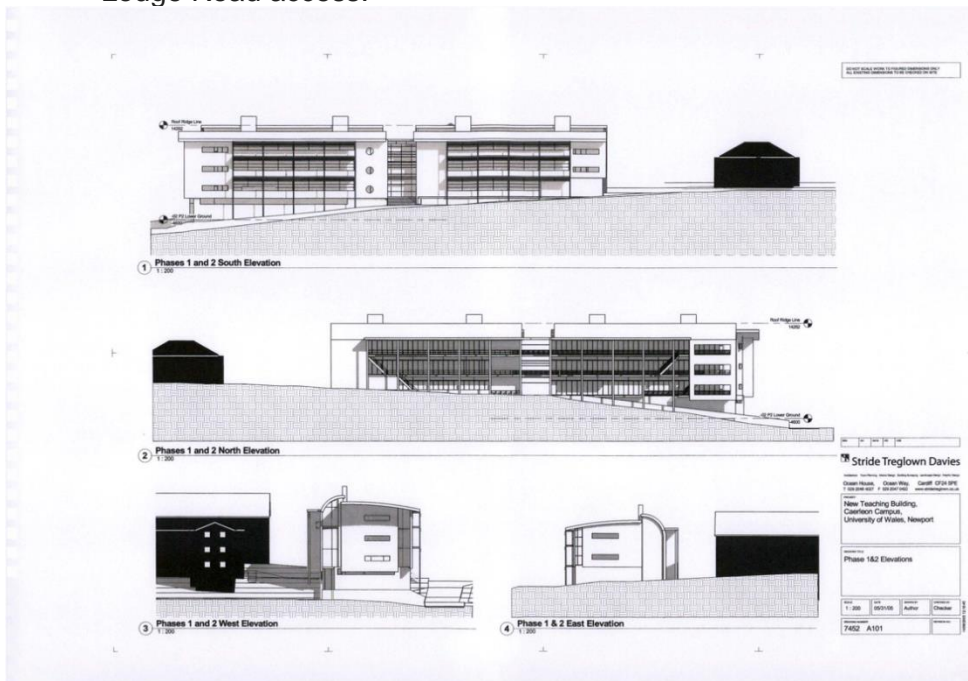


with the main building and it offers an imposing aspect from the internal road. Its removal along with other later additions open up the opportunity to enhance the setting of the main listed building with a high quality development. A Heritage Statement has been provided to support these works of demolition and/or alteration and Listed Building Consent is required for them and will be considered separately. A traditionally designed detached substation/functional building is shown as being retained at the rear of the main building. It's retention is welcomed in principle. Discussion of heritage impacts insofar as they are relevant to this planning application and the impacts associated with the demolition of the sports hall on community health and wellbeing will occur later in this report.

- 7.2.5 Less works appear to be required to the smaller listed buildings on site that stand either side of the central driveway to the teaching block's (the main listed building) main entrance. These buildings along with the listed gate piers, Felthorpe House (an attractive building located adjacent to the listed gate piers but not identified in the Cadw listing schedule) and the layout of the vehicular and pedestrian access routes and open spaces around the listed buildings make for a very impressive setting to proposed development. The draft stages of the proposal were viewed by the Design Commission for Wales, referred to in the supporting documentation to this application, and the comments made by DCFW are informative in many respects but it was clear that the heritage assets are part of the site's identity and ideally their character and context should inform the wider development and influence the tone of new residential development to bring forward a high quality scheme that will complement the local area and potentially Newport as a whole. However, the initial design review took place in 2016 at pre application stage and clearly the scheme has changed since then and more information is available now. Nevertheless, this review identified both opportunities and risks as whilst there is significant potential to create a high quality development, there is also significant risk if the site is progressed in a piecemeal and disjointed fashion, opened up to one or multiple developers with varying interests in the preservation and refurbishment (and associated costs) of the heritage assets for example. This could happen whether permission is given or not.
- 7.2.6. It is made clear in the submission that whilst the University of South Wales are the applicant, it will not be the developer and consequently we know the site will be sold on. Whether as a single site or as multiple parts (the Planning Authority cannot control this) the key objective of the Planning Authority is to ensure that, if minded to grant planning permission, it does so with an appropriate conditioning regime that will require the submission of any further information or impose specific controls that will mitigate the potential harm/secure the stated benefits to achieve a high quality, sustainable scheme.
- 7.2.7 In addition to the heritage assets, the existing rugby pitch is to be retained. This is protected by reason of its previous function as a playing field but also as an Environmental Space for the purposes of the Local Development Plan. It is not currently in use. Its retention is welcomed but it must serve a purpose and be integral to the development. It is proposed, as part of the outline elements to provide a changing rooms facility to serve the pitch and facilitate future use. In the past its use has been in conjunction with the University or University facilities but going forward this will no longer apply. The applicants propose to provide a financial contribution to leisure that will include money available to fund the cost of building changing rooms as part of the agreed Heads of Terms. In the absence of such facilities the pitch is unlikely to prove attractive to local sports clubs and so this is required as a minimum. Its maintenance will be by private management company and this is acceptable in principle but would need to be further controlled by planning condition if permission were to be given. The pitch is situated adjoining the egress route proposed to College Crescent and other works to facilitate future use and enhance the field's functionality may well be required to suit its position adjoining the highway and on a residential development (e.g fencing and lighting). At present, its open aspect on the bus only access road towards the main building entrance affords a sense of space and openness, thereby giving clear view towards the secondary listed buildings that frame the main building entrance. Therefore, in addition to potential merits associated with the retention to the pitch, the absence of built development here offers visual merit particularly from the vantage point at the listed gate piers and it offers the potential to maintain the existing layout of the site in this location which currently offers high amenity value.

Buildings to the opposite side of the access road off College Crescent are student halls of residence to be demolished as part of this proposal. These are functional brick buildings that are acceptable in the context of a University Campus but are unlikely to be marketable as part of a residential scheme and indeed their demolition is shown on the indicative masterplan. There is no objection to this and it offers further opportunities to enhance this key vista. The Masterplan shows a mix of detached and semi detached buildings set back from the access road. Site topography means that existing buildings are set lower than the highway for some of its length and it is considered appropriate for any new buildings to do the same thereby not detracting from the heritage assets or appearing unduly dominant.

7.2.8 It is proposed to develop the existing redgra parking area adjacent to the Lodge Road access point and situated between the rugby pitch and Lodge Road itself. The established landscaped belt situated along the site boundary with the rear of properties along College Crescent is shown as retained and the embankment between the redgra car park and Lodge Road is retained so that development here is set back between 17 and 22m from it but elevated in comparison. A ramped pedestrian pathway is proposed to enhance pedestrian accessibility between the site and Lodge Road itself and associated bus stops and pathways. The site of the existing security lodge is shown as a pair of semi detached units whilst the parking to the rear of it is shown as retained in part (66 spaces to serve the Kegie building). The Lodge Road access will be dominated by the proposal to retain the Kegie building. This was a purpose built 1600sqm teaching block completed in approximately 2006 with consent also granted under application reference 05/0808 for a second phase of 2400sqm. Officers consider that as phase I was implemented and occupied, the consent for phase 2 remains live but as part of this proposal the applicants wish to expand its use to include office (B1a) use in addition to D1 use (Non-residential Institutions) which includes clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, and law courts. No objections have been raised in relation to the parking numbers proposed to serve the Kegie building although these appear to be on the limit of acceptability in terms of standards for office accommodation. This is a matter that may warrant further information if minded to grant planning permission for this proposal. The Kegie building is set over 3/4 stories on a sloping site with its gable end facing the Lodge Road access.



7.2.9 To the rear of the building is the existing halls of residence proposed to be demolished and shown to be replaced on the illustrative masterplan by terraced blocks of units in various styles. Existing green areas that include protected trees are shown as being retained along with the existing access road that runs along much of the site perimeter. Some of these green spaces are shown to include equipped areas of play to serve the development. This theme is continued to the rear of the main building with existing parking areas adjoining the

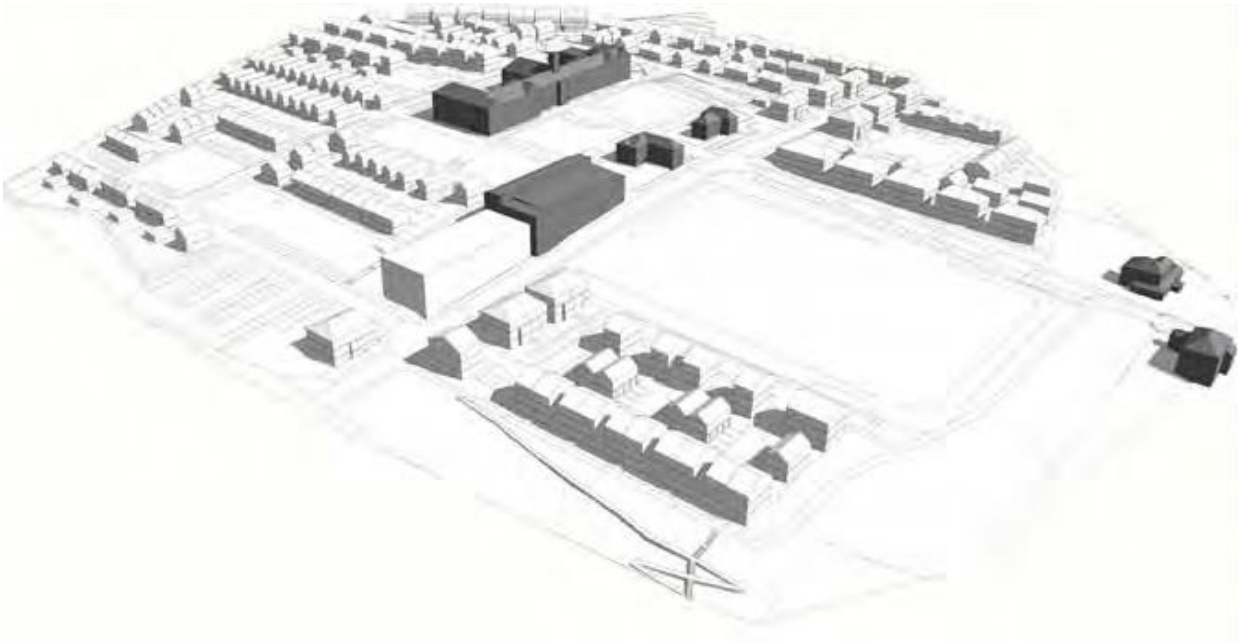
sports centre, the sports centre and associated tennis courts all being developed for housing. An arboretum is retained in the northern corner of the site where the existing steep embankment down to Brooklea exists. Much of this area is constrained by a woodland Tree Preservation Order and topography. Housing proposed on the site of the tennis courts would be elevated in comparison to the highway whilst existing split level halls of residence on the eastern boundary of the site would be replaced by split level housing units to accommodate site topography. The latter is a key feature of the site and existing and proposed levels details have been provided to clarify the impact of site levels on the design concepts set out in the masterplan and design and access statement/development framework.

7.2.10 The applicant confirms the key principles of development in the DAS as follows:

- The Main Building will be the focus for the scheme, and remain a landmark within the wider landscape
- Proposed buildings should step up the site, maintaining the dominance of the Main Building and its visibility as a landmark within the wider landscape
- The formal landscape setting to Main Building will be retained and enhanced
- North – South routes will be created through the site, enhancing connectivity between Caerleon, the site and adjacent residential areas/facilities
- The site's landscape setting will be retained and enhanced, with East-West landscape links providing amenity spaces, biodiversity links and an attractive setting for new residential properties. An integrated green infrastructure network within the site will connect to surrounding GI corridors and features
- Views from the site to the River Usk valley (to South, East and West) will be retained and enhanced
- New development will be structured around existing development plots/ levels, and work with existing infrastructure network, to minimise the need for excavation and maximise the reuse of existing utilities and retention of existing trees and landscape

7.2.11 All the above are sound and acceptable principles for the site's future development.

7.2.12 The height parameters for the outline elements of the scheme have been identified on submitted plans and range from 2 storey development (8-10m to ridge) to 3-4 storey development (14-20m to ridge) although the latter appears to comprise only the Kegie building which forms part of the full elements of this application. Most of the outline housing proposed is 2 storey with 2-3 storey split level units proposed along the roadside facing north towards Brooklea and in place of the split level student block on the eastern border. 3 storey units are proposed alongside the access road to College Crescent and on and adjoining the redgra car park, with further potential for 3 storey units identified at the rear of the main building.



*Model showing proposed development scale (image taken from DAS – April 2018)*



*Illustrative Masterplan taken from Amended Design and Access Statement (May 2018)*

7.2.13 In terms of open space, the applicant has set out their proposals as follows:

- Equipped Playspace – 0.3 Ha (3,000m<sup>2</sup>)
- Informal Playspace – 3.06 Ha (30,600m<sup>2</sup>)
- Rugby Pitch – 0.96 Ha (8,000m<sup>2</sup>)
- Additional Open Space – 0.8 Ha (8,000m<sup>2</sup>)
- Total Open Space – 5.12 Ha

*Extracted from Environmental Statement – University of South Wales, Former Caerleon Campus Environmental Statement Summary*

Much of this forms part of the outline elements of the scheme and whilst the masterplan, development framework and design and access statement provide many commendable key principles and development concepts, as with other matters any permission would need to control this further to ensure that any reserved matters submission(s) accord with such concepts and principles. This has been achieved by the Council on other major development sites like Glan Llyn for example and therefore is considered achievable in

practice. Based upon an approximate generated population of 880 people (based upon unit numbers and projected number of bedrooms (and methods of calculation set out in the Council's Adopted SPG on Outdoor Play Space Provision, January 2017) the scheme generates a total provision of 2.1ha. Broken down this is 0.2ha of equipped play space, 0.5ha of informal play space and 1.4ha of formal space. In terms of equipped and informal space, the proposal is well provided for in the illustrative plans, however even with the rugby pitch which will serve the wider community, the scheme falls short on formal space and whilst additional open space is provided and the scheme overall provides well above the total requirement of open space against adopted standards, the formal deficit is noted and the applicants propose to provide off site financial contributions to leisure in accordance with SPG requirements. Overall, Caerleon has a deficit of formal open space provision to serve the existing population. However, on balance it is considered that with the implementation of the proposed spaces, the provision of facilities to enhance the rugby pitch and a contribution to upgrade or enhance existing formal provision in the locality, the scheme is acceptable.

- 7.2.14 In terms of accessibility, enhancements to pedestrian access from the site to its environs are proposed. A public right of way runs along part of the site's northern boundary but there is no direct access between it and the site at present. It is proposed to provide this and additional pedestrian access routes to Lodge Road and changes to potentially enhance pedestrian accessibility at College Crescent/Ponthir Road are proposed but yet to reach final design stage as is a matter outstanding in the transport assessment.
- 7.2.15 Enhancements to pedestrian accessibility and site permeability are welcomed and offers the potential for pedestrians to access existing open spaces (and Environmental Spaces) located outside but close to the site along with bus stops along Lodge Road. Existing topographical and natural constraints or barriers to accessibility located outside the site boundaries are relevant but the site is, at present closed off from its surroundings with limited entry points. If minded to grant permission, accessibility through and to the site with permeable linkages with the wider area will need to be secured as set out in the Development Framework provided. This includes the provision of a 3m wide shared pedestrian/cycle lane along the northern boundary that incorporates the existing narrower pathway. This may well require the submission of further phasing and masterplan documents that accord with the development framework provided at this stage and as part of or separate to reserved matters submissions.



The blue dashed line denotes enhanced pedestrian connections and the orange dashed line refers to primary vehicular circulation.

*Plan taken from Development Framework document April 2018*

7.2.16 In landscape terms the site is fortunate in having well established landscape features on site that add significant amenity value to it and have the potential to facilitate a high quality redevelopment scheme. Many of the established tree areas and many individual trees are protected by way of TPO thereby constraining the overall area for future development. Some trees on site represent the only examples or the best examples of their species in Newport. The fundamental principles laid out in the supporting information to this application show an awareness of these features and associated sensitivities and protected trees are shown as being retained. Objections have been raised by the Council's Tree Officer and will be considered in more detail later in this report.

7.2.17 The submitted masterplan shows a reduction in the amount of impermeable hardstanding within the site and therefore a reduction in run-off volumes. Further betterments to drainage have been suggested in supporting documents by restricting the existing discharge rates by 20% and ensuring capacities of the existing outfall pipes are not exceeded. On the basis of the proposed masterplan existing discharge rates should not be exceeded. Attenuation will need to be provided where discharge rates are to be restricted, the preferred option is to include detention basins, however this may not be possible at all locations, and therefore below ground attenuation may be required. Such details will need to form part of later submissions but it is considered that acceptable drainage arrangements to serve the development can be achieved. Permission for schemes in advance of changes to control Sustainable Urban Drainage Systems (expected January 2019) mean that a permission for this scheme will not be bound by the new regulations. Nevertheless, a Sustainability

Report submitted in support of the application does refer to SUDS and conditions can be applied to require further details in this respect and pursuant to reserved matters submissions.

### 7.3 The Scheme Merits

7.3.1 The applicants consider these to be as follows:

- USW will sell the site on the open market and recycle the receipt received into the Newport Knowledge Quarter initiative;
- The conversion of the heritage assets would be of major benefit;
- The site is previously developed land in a highly sustainable location and the principle of development is acceptable;
- Alternative piecemeal re-use of the site could be achieved through a series of lawful development and planning applications which would likely yield a significant intensity of use cumulatively overall and would result in less satisfactory and disjointed redevelopment of the site.

The applicants also confirm that:

- The development effects can be accommodated within the modelled capacity of the highway network and it is demonstrated that its development proposals will not exacerbate any existing highway problems;
- Continued USW occupation of the site compared to the proposed development yields a negligible impact on air quality, assessed against both 2016 and 2025 emissions factors and compared to a closed site, a slight impact in the context of the 2025 emissions is noted.;
- Ecology matters are addressed;
- Noise matters are addressed;
- The development causes no significant land use planning impacts in terms of health provision in the locality.

*Adapted from letter by Alder King dated 2<sup>nd</sup> May 2018*

7.3.2 If we consider these merits in turn followed by others considered by officers, the Newport Knowledge Quarter is an initiative between Newport City Council, Coleg Gwent and USW. It is subject to a high level Strategic Outline Case and Memorandum of Understanding. In a press release by the Council it is stated:

*The potential options for Newport, anchored on the Higher Education of the University of South Wales's Newport City Campus, include a new Further Education development for the College and creation of shared facilities to enhance learning and progression to university study. The joint ambition is of creating a unique learning environment in the heart of the city centre for enhancing academic and vocational skills, and expanding future opportunities.*

*The agreement includes the aim that the Newport Knowledge Quarter will act as a beacon to lift educational aspiration, encouraging further and higher education participation in Newport and across South East Wales. It is also hoped that it will maximise the contribution that further and higher education growth in Newport can make to the local economy, through prioritising the employability of graduates and increasing the pool of higher skilled labour.*

7.3.3 The applicants have confirmed that the capital requirements of the project will be supported by receipts from the disposal of the Caerleon Campus. As a non-profit making organisation, the receipts will assumedly need to be recycled in some way but this will be a matter for USW. In terms of the Newport Knowledge Quarter, there is no planning permission, application or formal pre application advice sought or given in respect of any scheme and whilst there is clearly an initiative developed, it is unclear how, if considered necessary, such "recycling" could be secured through this planning process. The Newport Knowledge Quarter is referred to in the draft City Centre Masterplan document issued for consultation in January 2018. This identifies the Quarter as a strategic outline proposal in



the city core thereby tying in with the information above. There is in principle support for the knowledge quarter in draft strategic regeneration documents. The draft masterplan also refers to USW seeking funding from Welsh Government to support the scheme. There is no dispute that the initiative itself has a positive theme, but for the purposes of this assessment there is no guarantee that the capital receipts from this project will be recycled into the knowledge quarter or that the knowledge quarter will actually be delivered. There is no definite link showing that this development would result in economic or educational benefits arising from the Knowledge Quarter. In the event that such recycling could be guaranteed through this application despite the wider economic uncertainties that affect projects of this type, there is no evidence that the recycling of money is dependent upon this application being approved. Whilst it is appreciated that a grant of planning permission adds value to sites, the site has value regardless and there is no evidence that the bringing forward of the Newport Knowledge Quarter is entirely dependent upon permission being given to this scheme or dependent upon it all. The Quarter requires multiple funding streams to encourage delivery, not just income generated by the sale of this site. The recycling of funds certainly has no direct relationship to the negative impacts of development on this site and has not therefore been considered in relation to viability negotiations for section 106. If such recycling cannot legitimately be secured by legal agreement it is unclear how it could be required as part of any permission on this application. The issue is whether it is a merit/relevant factor of this proposal not whether the Knowledge Quarter is a positive initiative as there is agreement on the latter. If it is a material consideration for the purposes of this application, what weight can it be given? At time of writing, officers are of the view that the recycling of funds obtained by land sales to benefit local community facilities can be a material consideration, but in this case there is no facility to benefit and no clear reliance upon value associated with this application being a determinative factor in bringing it forward. Furthermore, there is no clear and legitimate way of securing such recycling (through any decision on this application) to benefit any such initiative either. At best it is considered that the recycling of sale receipts to the proposed Knowledge Quarter pursuant to this site obtaining planning permission is a material consideration of the scheme that can be afforded limited weight in planning terms. At worst it is not a material planning consideration at all.

- 7.3.4 The conversion of the heritage assets is a merit of the scheme and the retention and re-use of these buildings is both encouraged and supported. In the absence of future use the buildings may become at risk although they are not currently and are unlikely to become so whilst in alternative use or under the guardianship of USW. Whilst the conversion to flats may not be the most preferable choice in terms of the need for internal reconfiguration in particular, it is an acceptable choice and the details provided show a sympathetic conversion is achievable in heritage terms and subject an appropriate conditioning regime on any planning permission. Having regard to consideration of the heritage assets elsewhere in this report, this is a merit of the scheme afforded significant weight.
- 7.3.5 The site is previously developed land located within the urban settlement for the purposes of the adopted LDP and proposes mixed use development with a variety of house sizes and types. This development is acceptable in principle subject to mitigation of constraints and potentially significant environmental effects. Its sustainability is a matter to be considered having regard to material considerations. Planning Policy Wales provides national planning policy in relation to sustainability whilst the Wellbeing of Future Generations Act places a legal responsibility upon decision makers to undertake its duties sustainably. It sets out a range of objectives that Authority's should address in their decision making. This is further supported by Newport's published Local Wellbeing Plan which identifies improvement of air quality and health as separate priorities along with others relevant to this proposal. One of the 4 identified objectives of the Council is to ensure Newport has healthy, safe and resilient environments. In terms of the Wellbeing Plan identifying interventions to encourage the use of ultra-low/zero emission vehicles for example it identifies support for the installation of electric charging points across the city and to support and encourage the Newport Taxi fleet to move to zero (or ultra-low) emission taxis and develop a HGV/LGV fuel economy partnership scheme. It does not identify air quality targets or actions of specific relevance to this development or Caerleon.

- 7.3.6 In terms of amenity for future occupiers, of the 24 1 bedroom flats proposed in the Main building, 2 fail to meet minimum floorspace standards of 45sqm set out in the adopted SPG on Flat Conversions (2015). Of the 18 2-3 bedroom flats, 3 fail to meet the minimum 60sqm standard. In several cases the shortfall is relatively significant and these flats are clearly constrained by the layout of the listed building and the intention to minimise alterations. 1 x 1 bedroom flat for example (FF7) is approximately 34sqm. In contrast, the majority of flats greatly exceed the standards and in the case of the smallest unit, there may be some scope to enlarge it by reconfiguration but it is also served by generous communal areas proposed as part of the conversion including the residents lounge but also communal seating areas in bay windows at first and second floors. External green spaces and courtyards also compliment residential amenities. Having regard to all these factors, on balance, the failure of all flats to meet the standards set out in the SPG does not give officers cause to object to the scheme. Parking required to serve the conversions is based upon 2 spaces per unit in the smaller buildings and 1 space per 1 bed unit, 2 spaces per 2 bed unit and 3 spaces per 3 bed unit with an additional visitor space allowance. The parking shown for the full elements seems to fall short of this and does not appear to account for the communal building proposed, albeit that it is unclear whether this would be for wider public benefit. Whilst there is no objection to the layout of parking shown in connection with the full elements of this scheme, it is considered that additional parking will be required. However there is clear scope to incorporate this into the wider site without prejudice to the heritage asset and this is not considered an impediment to granting permission.
- 7.3.7 However, as previously developed land in the urban area it has several inherent sustainability positives including, for example, its accessibility by public transport, proximity to local services, re-use of existing buildings, etc. The scheme itself includes a proposal to co-locate residential and employment uses (by retaining the Kegie building) which is generally favoured in planning policy terms as potentially minimises the need to travel, avoids the effects associated with the demolition of buildings and encourages vibrant communities. It is proposed to retain existing landscaping and use existing infrastructure where possible. Whilst there is some uncertainty about the future use of the Kegie building as a stand alone employment building in the longer term, all of these factors offer merit in sustainability terms. However, there are confirmed concerns in relation to air quality and traffic impacts and the effects of development on general health and wellbeing in the community which all have the potential to render the development unsustainable on balance. In fact, Planning Policy Wales (edition 9) states that in its land allocation policies and proposals, local planning authorities should:
- locate development in settlements that are resilient to the effects of climate change, by avoiding areas where environmental consequences and impacts cannot be sustainably managed.*
- Where development takes place in areas of known risks, ensure that the development is designed for resilience over its whole lifetime (para. 4.7.2).*
- 7.3.8 Chapter 13 of Planning Policy Wales goes on to confirm air quality as a material consideration in this case (as regulatory standards are or will be breached) and confirms the Council's obligations to monitor air quality and identify AQMAs if required but little more is said than this.
- 7.3.9 So, for the purposes of affording merit to the scheme as being sustainable, this can only be concluded further to an assessment of air quality and traffic effects in particular.
- 7.3.10 The applicants point to merits derived from the potential for unacceptable alternatives if permission is refused. There is no evidence provided in terms of the traffic and air quality effects of alternative, more piecemeal or smaller proposals so whilst the site could see alternative uses applied for or see other uses occupy the site lawfully, there is no evidence that these would be less sustainable or that there is anything more than the mere possibility of this occurring in practice if this particular scheme is refused. The site falls within the D1 use class so future use is constrained by this in practice and the likelihood of a D1 establishment other than a University occupying the site is considered to be very limited.

As the USW has vacated the site there appears to be little likelihood of another University establishment occupying this large site either. It is a purpose built campus which will likely prove unattractive in form to other D1 uses. New development on site would require permission and would be considered on its merits.

- 7.3.11 Other potential merits considered by officers include the provision of housing on site to include 10% affordable units. The Council has in excess of a 5 year residual land supply but this is supported in part by windfall site allowances that this site would contribute to in terms of maintaining an acceptable housing land supply in the longer term. Paragraph 6.2 of Technical Advice Note 1 relates to housing land supply being treated as a material consideration in determining planning applications but the disapplication of this paragraph has been confirmed. Therefore, it becomes unclear what weight if any can be given to the provision of housing or increase of housing supply. In this case, as the Council's residual land supply is healthy based upon current methods of calculation, the provision of housing on site is reasonably considered a merit but is unlikely to outweigh any significant negative factors. The provision of affordable housing is also welcomed and is a merit of the proposal as, based upon the Head of Law and Regulation comments, there is high demand for social housing in this area and its provision is to be afforded some weight. However, the 10% falls short of the adopted LDP requirement of 40%. This will be discussed further in the section 106 section of this report. The development could also potentially bring benefits associated with job creation during the construction phase and associated economic benefits in the town of Caerleon. This is given some weight as a merit of the scheme but is not considered significant as is relatively short term and actual jobs created or maintained by this scheme are not tangible. Similarly employment generated by the Kegie building is not supported by robust evidence of its likely attractiveness to such users in the future. It is understood that no marketing has taken place but the agent has based the proposals upon their professional judgement and officers have no evidence to dispute it. There is no objection to the use of the Kegie building for employment purposes in principle but such employment opportunities are not a substantial merit of this scheme. At best they are considered to be a merit with some weight.
- 7.3.12 If we deal with other issues raised by the applicant, officers confirm that ecology matters have been addressed and subject to appropriate conditions requiring development to proceed in accordance with supporting information there is no demonstrable adverse impact on protected species.
- 7.3.13 In relation to noise, the Head of Law and Regulation has raised no objections subject to additional information relating to noise assessment, exposure and mitigation. This can be secured by way of planning condition and pursuant to any reserved matters.
- 7.3.14 Health provision in the locality is a key point raised by neighbour objectors who have pointed to long wait times for appointments. There is one GP practice in the area (Isca Medical Centre on High Street) that has confirmed via discussions with the agents will accept new patients. Their patient numbers declined by about 300 with the closure of the campus and the Practice currently has approximately 9400 patients with 4 full time equivalent doctors. The Environmental Statement confirms that the patient roll is higher than would be expected for the number of GPs but that the Practice has confirmed it is coping well with its number due to the make up of patients and demands on the service. It has also confirmed that the centre is able to accommodate an additional doctor should the need arise and utilising funding from the Health Board. This is consistent with the Health Board's response which raises no objections to the information supplied in this respect. Consequently, there is perceived excess demand upon local health services at present according to some objectors but officers have no evidence, other than the 3 week wait for some appointments cited, to demonstrate significant harm arising from this proposal. This has regard to current GP levels and the potential to increase full time GPs by one at the Isca Medical Centre subject to appropriate funding. The impact upon health services in this case does not weigh against a favourable decision.
- 7.3.15 Turning to air quality and highways matters these are critical to the acceptability of this scheme in officer opinion. Whilst, potential enhancements offered by the applicant to bus

stop location, cycleways, pedestrian routes and electric charging points are noted, these are best dealt with in the context of discussion on highways and air quality as are proposed to generally mitigate effects of development on these matters. The next section sets out the key/primary issues and those matters considered to be secondary issues for consideration alongside the merits or matters identified above. Some of these are addressed in other parts of the report and will be cross referenced where necessary.

## **7.4 Primary and Secondary Issues to be considered**

### **7.4.1 Primary Issues**

1. Traffic generation and whether or not traffic generated by the development during both construction and operational phases can be safely and sustainably accommodated on the highway network;
2. Air quality impact upon the Air Quality Management Area of Caerleon and its wider environs arising from traffic generated by the development during both construction and operational phases (and therefore directly connected to point 1 above) and whether the development is likely to have a significant adverse effect on air quality;
3. Infrastructure impacts and the ability of local services (including schools, leisure and health provision) to accommodate the demands placed upon it by the development.
4. Impact upon on site protected trees and whether or not impacts identified by the Council's Tree Officer can be mitigated.

### **Secondary Issues**

1. Heritage impact and whether the proposed works to the listed buildings and their proposed future use are acceptable having regard to the need to preserve the building's special character.
2. Visual impact and whether or not the masterplan and associated documents demonstrate that an acceptable form of development can be achieved in visual and design terms.
3. Other matters including noise, ecology, archaeology, drainage and contamination.

7.4.2 The above matters are dealt with in turn.

### **7.4.3 *Traffic generation and whether this can be safely and sustainably accommodated on the highway network***

The Head of City Services (Highways) objects to this scheme. His response is set out at section 5.1 of this report.

7.4.4 Firstly, the Transport Assessment provided by the applicants assumes baseline traffic flows as being a calculation of trip generation potential of the operational University campus (based on TRICs) as it considers this the appropriate planning fall back against which the effects of development should be assessed. However, officers have consistently raised concerns regarding such an assumption and the planning fall back has never been agreed. In fact, the operation of the site as a full campus University akin to USW is not a realistic fall back in planning terms. This is discussed at section 7.3.9. Whilst there is a possibility that education type uses may occupy the site in future, it is entirely unrealistic to believe that a University akin to the operation of USW would do so. It is debatable whether such a scenario is actually material but if it is, it can carry very limited weight in planning fall back terms as even if it can be demonstrated that a mere possibility exists, the likelihood of it occurring is nil to negligible at best. No other baseline scenario with trips generated from the site has been modelled for the purpose of the Transport Assessment and therefore a potentially more realistic option of future trip generation being somewhere between the baseline (the University traffic) and the "sensitivity" baseline of a no development scenario, has not been modelled.

7.4.5 The Transport Assessment adopts a sensitivity test against a vacant site scenario at 2025 (this being the year when documents suggest development will be complete although the documents are inconsistent in this respect as some refer to an 8 year development programme from 2019). They have then added the effects of traffic estimated to be

generated by the development to the sensitivity baseline of a vacant site in 2025. The models used to assess traffic flows and impacts in the TA have not been disputed by the Head of City Services and appear to be well accepted in the industry for traffic forecasting. There is a reliance upon TRICS in the baseline university traffic as no actual first principles traffic data is available from the applicant from the period it was operational. TRICS is obviously an accepted standard for assessment where comparisons are drawn with sites elsewhere (in this case, 3 English universities) but it does pose difficulties when there are no sites that are closely matched as appears to be the case here. Furthermore, modelling does not accurately reflect the impact of slow moving traffic. It focuses upon vehicles categorised as stationary. This potentially underestimates the real effects witnessed by the community or the perceived congestion experienced. It perhaps highlights the limitations of modelling generally but is not a reason for objection itself. The concerns expressed by the Head of City Services appear in part resolvable and the Assessment shows that most junctions modelled will operate well within their capacity. However, several issues are significant. These include the applicant's projection that the Station Road junction with the roundabout will exceed its capacity with development in 2025 (the model shows it to be operating within its capacity at 2016). It projects that it will be near its capacity at 2025 during the AM (0800-0900) peak traffic times but the situation with development is worse. It shows queue length almost tripling at Station Road from up to 11 vehicles in 2016 (assuming no traffic flows from the site) to 28 vehicles in 2025 with development. Even using the applicants baseline in 2025 assuming the University were still occupying the site, the situation at Station Road clearly worsens with development from a projected queue of 16 vehicles during the AM peak to 28 with development (RFC of 1.04 rising to 1.12). The High Street/Goldcroft Common arm is shown to improve with development with the RFC dropping from 0.83 to 0.58 using the sensitivity baseline (equating to queue reduction from 5 to 2 vehicles).

- 7.4.6 The Transport Assessment provided with the application also shows the Caerleon Road/New Road and New Road/High Street reaching capacity. The modelling relays these areas separately as models vehicles turning left out of New Road onto Caerleon Road and vehicles turning right from New Road onto High Street (the latter being the greater intensity of movement but all vehicles stuck in the same queue). In the 2016 model, these roads are also shown as at or close to capacity with RFCs of 0.85 or above at both areas in both peaks (0800-0900 & 1615-1715) with the highest queue modelled at up to 15 vehicles at New Road/High Street during the PM peak. At the 2025 sensitivity baseline this is forecast to worsen to 28 vehicles at New Road/High Street during AM peak and 45 vehicles at PM peak but this is substantially worsened again with development to 50 vehicles in the AM peak and 78 vehicles in the PM peak, all well above highway capacity. Even though the New Road/Caerleon Road queue lengths appear much shorter on the model, they are not in reality as will be stuck in the same queue as traffic turning right at the junction. The applicants allege that with the University remaining operational at site, this increase in queueing situation would arise in any event with predicted traffic reaching 72 vehicles in the AM peak and 76 in the PM peak with RFCs of 1.49 and 1.29 respectively at New Road/High Street. The improvement at AM peak is likely related to the proposed changes at the mini roundabout that are offered as part of this development. However, this baseline is not accepted and if we assume a baseline traffic flow somewhere between the base adopted and the sensitivity base, there is no doubt the situation with development is significantly worsening the situation in this area. Queue lengths of between 45 and 78 vehicles during the PM peak hours is unacceptable by anyone's standards and delays associated with this significantly increase in relative terms.
- 7.4.7 Much of this area is within the AQMA and increased congestion or more prolonged queuing traffic will impact upon air quality and residential amenity with both Tollgate House and Gwent Cottage directly affected by queuing around the junction of Caerleon road/New Road.. No mitigation is proposed to improve the flow of traffic at Caerleon Road/New Road other than any indirect consequences of road changes at Goldcroft Common. Indeed, there may be no suitable mitigation that could be provided here that does not give rise to other impacts elsewhere on the network. The significance of this is that based upon the existing geometry of the junctions, modelling by the applicant's consultants shows that the proposal when considered together with existing and projected traffic flows would result in a

Ratio of Flow to Capacity (RFC) above 1.00. An RFC of 1.00 or above indicates that a junction is operating over capacity and any additional traffic would be likely to give rise to a significant increase in queuing vehicles. Anything over an RFC of 0.85/0.9 would suggest a lack of road capacity for growth with the junction nearing or at capacity. The Environmental Statement does in this regard, show a significant impact upon traffic flows associated with the development and technical exceedences of highway capacity at two key areas. Relevant tables from the Transport section of the ES are provided below:

**Table 1: Peak hour queues by number of cars and RFC (in brackets)**

Location	2016 traffic	2016 traffic	2025 with university traffic	2025 with university traffic	2025 without university traffic	2025 without university traffic	2025 with development	2025 with development
<i>Peak hours</i>	AM	PM	AM	PM	AM	PM	AM	PM
High Street (Goldcroft Common)	3 (0.75)	3.9 (0.7)	7.6 (0.89)	8.1 (0.83)	4.8 (0.83)	4.8 (0.74)	1.5 (0.58)	1.2 (0.54)
Station Road	4.1 (0.82)	1.9 (0.55)	15.6(1.04)	4.1 (0.72)	10.5(0.97)	3 (0.64)	27.1 (1.12)	2.6 (0.73)
New Road/Caerleon Road	1 (0.85)	2.1 (0.96)	3.8 (1.4)	4.8 (1.21)	2.8 (1.14)	3.6 (1.1)	3.3 (1.33)	4.8 (1.22)
New Road/High Street	8.9 (0.95)	14.5 (1)	71.8 (1.49)	75.7 (1.29)	27.2 (1.16)	44.8 (1.16)	49.7 (1.36)	77.5 (1.29)

*Table adapted from information contained within Transport Assessment Addendum by Calibro (26<sup>th</sup> April 2018)*

7.4.7 The applicants propose a Travel Plan to encourage modal shift to more sustainable forms of transport by site occupiers in order to mitigate effects. This is welcomed and the Plan appears to include key principles advised by Technical Advice Note 18 (Transport). They suggest a 10% reduction in vehicle trips can be achieved with the implementation of the Travel Plan. This includes initiatives such as informative leaflets about active travel routes and nearby pedestrian cycle and pedestrian routes, improvements to cycleways in the immediate vicinity of the site, personalised travel planning, allocated parking for commercial occupiers if they car share and lower on site parking numbers against adopted standards. It anticipates securing the delivery of the Travel Plan objectives by way of legal agreement attached to any planning permission and a commitment period of 8 years with this assuming first occupations in 2020, final occupations in 2025 and 3 years after. Whilst any encouragement and offers that may facilitate modal shift are welcomed, the information supplied does not include evidence to demonstrate that such a modal shift is reasonably likely in practice. In reality schools serving the site are within walking distance but this does not mean people will walk. There may be a number of reasons for this, not least that they undertake drop offs as part of longer trips to places of employment for example. Similarly whilst the site may be well served by buses to Newport at present, there is more to a persons consideration of bus travel when it requires transport to areas further afield (bus changes required, times and frequency etc). It is agreed that the site is located within walkable distance of some local facilities but topography will be a factor in some people's decisions in relation to walking and cycling. Furthermore, the Travel Plan is heavily reliant upon occupiers completing surveys accurately as part of the review and monitoring of traffic at the two proposed access points and on pedestrian/cycle routes linked to the development. If these show a less than 10% reduction at review years, it is unclear what will be done other than reference to discussions with the Council's appropriate personnel to agree changes to the Plan. What changes this may include are not discussed. In short, the Travel Plan includes standard incentives to encourage people to use alternative modes of transport other than the car and this will likely encourage a degree of modal shift,

however, it does not demonstrate how the 10% will actually be achieved by the incentives and what will happen if it is not achieved. Furthermore, if it is achieved in one year this does not mean such improvements will continue in the longer term. The Travel Plan is clearly good practice but in this case, where traffic generation is a critical issue to the acceptability of the scheme, the ability of the Travel Plan to secure a 10% reduction in traffic flows associated with the scheme must be treated with caution. The proposal to offer parking lower than adopted standards potentially raises other issues of concern and it is considered that this is not an initiative that officers would support at this time and based upon lack of evidence that such a change in isolation or cumulatively with other incentives, will actually bring benefits.

- 7.4.8 In relation to the Station Road roundabout, the applicant proposes improvements to the Goldcroft Common arm to improve traffic flow. This includes works to enable a 2 lane approach, separating vehicles travelling left to Station Road from those travelling straight on and right to Usk Road and Mill Street respectively. The road is wide enough at this point to make such changes possible within minimal disruption. The applicant acknowledges that drivers will unlikely make use of both lanes when larger vehicles are negotiating the junction (i.e. HGVs and buses) but as these comprise a small proportion of traffic overall, they argue that the changes will likely have a degree of beneficial effect. The Head of City Services has pointed to the stage 1 safety report that indicates that "insufficient carriageway width may result in large vehicles overrunning into the adjacent traffic lane, this could increase the risk of side swipe collisions with other road users". He suggests that this negates benefits arising from capacity improvement at High Street/Goldcroft Common along with the impact such works will have in increasing congestion on the Station road arm. Certainly, the length along which 2 lanes of traffic will be facilitated is limited by existing parking but the TA shows improvements to RFC and queuing lengths likely to arise at some junctions based upon the effectiveness of these works in practice. Whether these will actually occur or bring longer term benefits however can only be judged once undertaken and in the event such works do not improve traffic flow to the extent predicted or give rise to other safety implications such as those mentioned in the safety audit, congestion already identified will only be worse than the TA shows in some areas. Observations by the planning officer on site show Goldcroft Common becoming busy during AM peak period with congestion arising in part due to the stop/start flow of traffic along it. This is due to parking on both sides of the road for much of its length and vehicles having to wait for vehicles to park, and frequent crossings taking place at the zebra crossing outside the Sainsburys, none of which will be assisted by the proposed mitigation works. As movements out of Goldcroft Common onto the roundabout have right of way over those merging from Station Road, this stopping and starting allows vehicles to join the roundabout from the Station Road arm. Later in the AM peak period a combination of issues appears to result in traffic queuing back along High Street and Caerleon Road with some queuing at Castle Street also. Queuing at Lodge Road and Station Road is in part due to right turn movements of vehicles into the High School and Broadwalk respectively. These manoeuvres are observed rather than intended to be a more technical assessment but do appear to confirm that the period from 0800 to 0915 is busy at present (more so 0830 to 0915) during site visit observations and whilst this was not all school traffic related, the presence of 3 schools in this area invariably has a significant impact on traffic with many people observed parking to walk children to the primary school on High Street for example.
- 7.4.9 Officers therefore appreciate the traffic concerns raised by neighbours however the TA suggests that even with the additional traffic, much of the highway network will accommodate it and with the mitigation works proposed at the roundabout. However, for those 2 junctions/areas that are predicted to exceed their capacity during peak periods, no mitigation is proposed or is potentially achievable in practice. Whilst, some drivers will adapt their route or times of travel to avoid traffic congestion and likely do so now, this does not address the objection of Head of City Services on the Station Road and New Road/Caerleon Road/High Street in terms of the impact on the free flow of traffic and the impact of traffic congestion on residential amenity. It is also difficult to see what alternative routing will achieve in practice or how realistic this is bearing in mind how the road network works in this area and converge to the historic core. Additional traffic to Pillmawr Lane is not to be encouraged as this is a single track lane of poor horizontal and vertical alignment.

Even based upon the figures provided in the TA, it predicts a 21% increase in traffic at Pillmawr Lane during the AM peak (19.4% during the PM peak). With Station Road/Ponthir Road and New Road/Belmont Hill/Caerleon Road all identified as having capacity issues and associated congestion, opportunities for traffic dispersal without knock on effects elsewhere appear limited. Drivers and residents will experience road capacity through discernible and significant increases in traffic queues, potentially longer periods of peak traffic flows and this impact is significant and adverse and weighs heavily against the scheme proposed. The Head of City Services also retains concerns relating to the Stage 1 safety audit and is yet to agree changes to the College Crescent/Ponthir Road junction. However, he has advised that such matters are resolvable in his view and that the junction improvements required at College Crescent can be secured by way of legal agreement and designs finalised post determination further to additional survey work being undertaken. Traffic is anticipated to significantly increase at College Crescent/Ponthir Road for obvious reasons albeit that it remains within its capacity based upon TA modelling. Improvements to this junction are therefore required and would need to be secured if planning permission is given.

7.4.10 Whilst officers have already confirmed disagreement to the baseline adopted by the TA on the basis that a traffic flow fall back of an operational University akin to USW is very unlikely, the Head of City Services has also raised objection to the forecast traffic under this scenario in any event. Confidence in student and staff figures that have informed the TA baseline has been tested over the period of application consideration with student and staff figures at the campus revised significantly downward in the recent TA further to concerns raised by the Authority. The site's planning history has shown a consistent acknowledgement of the potential impacts of traffic effects arising from University related traffic and USW were engaged in a very proactive approach to reduce car usage amongst its students and staff. Previous Travel Plans associated with developments at the site demonstrate this along with inherent difficulties in actually achieving traffic reductions. They also show lower student and staff figures to those now relied upon by the applicant but it is acknowledged that these Travel Plans pre-date the figures now presented for student and staff figures at the site and that the figures presented are from the Higher Education Statistics Agency. As part of the ES, student and staff figures for the campus have been confirmed in the following table:

<b>Academic Year</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>	<b>85<sup>th</sup> percentile</b>
UWN Staff	995	980	945	950	
Caerleon Campus staff	578	558	551	581	580
UWN total students	9520	10290	10150	9930	
UWN Campus	6639	7533	7713	7091	
Caerleon Campus	3854	4291	4501	4339	4428 (typical enrolment figure adopted for modelling purposes)
% at Caerleon Campus	58.1%	57%	58.4%	61.2%	

7.4.11 Traffic flows associated with the University would have been the reverse of those associated with the proposed scheme, with traffic flowing in to site in the morning and out during the afternoon. Furthermore, the timing of lectures would likely mean many trips occurring outside peak times or car trips discouraged by on site parking restrictions and charges. A previous Travel Plan review document (dated 2006) prepared to follow a 2002 Travel Plan that accompanied an application to extend teaching space facilities at the campus by 9600sqm in 2005 (of which only 1600sqm (the Kegie building) was actually built



out) shows that the campus at 2002 accommodated 400 staff, 640 residential students and 1470 non residential students. Not all of these were principally or solely based at the campus as some would make trips to the allt-yr-yn facility. This travel plan's review is referred to in the ES as part of the basis to establish the modal split of the University's traffic as applied to the impact assessment for this proposal. TRICS from comparable University sites elsewhere in the UK have also been used but there are limitations to this modelling technique as mentioned earlier in this report. The modal split data is considered unreliable by the Head of City Services as in the absence of the applicant providing more up to date data of its student and staff travel patterns, the document is based upon skewed and poor levels of responses. The 2006 Travel Plan review provides modal split based upon a 36% response rate from staff and a 9% response rate from students and is not reliable. The applicant has more recently supported this information with evidence of parking on the University site taken from historical aerial imagery from 2009 and suggests that this demonstrates car usage at site that supports their assumptions. However, 2009 follows the granting of permission for the redevelopment of the Allt-yr-yn campus in 2008, the development of the city centre campus being approved in the same year and the associated closure of its other Newport site in advance of completion of the new city centre building. As the only functioning site of USW in Newport during this time, car travel to it would have invariably increased as staff and enrolled students at the other campus were dispersed from it, however this situation does not appear to be acknowledged in the supporting information.

7.4.12 The lack of confidence in the modal split presented in the TA is largely academic bearing in mind conclusions on fall back. However, traffic flows associated with this scheme are not sustainable and will give rise to additional congestion on some junctions/roads to the extent that its effects are significant and adverse and no mitigation is proposed to remedy harm. This is contrary to Policies SP1, GP2 and GP4 of the adopted Local Development Plan.

**7.5 *Air quality impact upon the Air Quality Management Area of Caerleon and its wider environs arising from traffic generated by the development and whether the development is likely to have an adverse effect on air quality;***

7.5.1 The Welsh Government's Interim Supplemental Plan to the UK Plan for tackling roadside Nox emissions (2017) states by way of background:

*Evidence has emerged over recent years in relation to the real world emissions of NO<sub>x</sub> exceeding legal type approval emissions limits, on which modelling assumptions are based. This disparity has meant the projected reductions in emissions from the introduction of stricter European standards have not materialised to the degree expected, and the scale of projected non-compliance in Wales, and elsewhere in the UK, has changed significantly over time. UK-scale compliance projections produced in 2017, based on updated emission factors, now show predicted areas of non-compliance in Wales in 2020 and beyond, unless further measures are taken.*

*Particulate matter is a term that refers to tiny particles of varying chemical composition less than 2.5µm (PM<sub>2.5</sub>) or 10µm (PM<sub>10</sub>) in diameter. When inhaled, particles less than 10µm in diameter (the PM<sub>10</sub> 'thoracic' fraction) can penetrate, and get deposited in, the human upper respiratory tract; particles less than 2.5µm in diameter (the fine PM<sub>2.5</sub> 'respirable' fraction) can penetrate deep into the alveoli of the lungs. Both have the same biological mechanism which causes the lining of the lungs to become inflamed. A process of oxidative stress places pressure on, and compromises the function of, various body systems. Short-term exposure can result in eye, nose and throat irritation, asthma symptom exacerbation, headaches and nausea. Long-term exposure increases morbidity and mortality risks from heart disease and strokes, respiratory diseases, lung cancer and other effects.*

*Particulate matter from road transport sources comprises primary particles emitted directly to atmosphere from combustion sources, tyre and brake wear, and secondary particles formed by chemical reactions in the air.*

In relation to nitrogen dioxide, sulphur dioxide and ozone it confirms:

*These gases irritate the airways of the lungs, increasing symptoms of those suffering from lung diseases. Short-term exposure to nitrogen dioxide is associated with increased cardiovascular and respiratory morbidity.*

The Final Plan is expected by the end of November 2018.

- 7.5.2 The site is not located within an AQMA however parts of the Caerleon one way system and nearby junctions/road are. The Caerleon AQMA has recently been extended to take account of ongoing air quality monitoring at sensitive receptors. It now extends along parts of High Street, Castle Street, New Road and Caerleon Road. A plan showing the extent of the AQMA is shown below:



- 7.5.3 Within the AQMA, air quality is consistently below regulatory thresholds and this requires the Council to take steps via an Air Quality Action Plan to remedy the situation. The Council is currently reviewing its AQAP and at time of writing, there is no up to date action plan in place.

- 7.5.4 Policy GP7 of the adopted Local Development Plan relates to public health and states:

***DEVELOPMENT WILL NOT BE PERMITTED WHICH WOULD CAUSE OR RESULT IN UNACCEPTABLE HARM TO HEALTH BECAUSE OF LAND CONTAMINATION, DUST, INSTABILITY OR SUBSIDENCE, AIR, HEAT, NOISE OR LIGHT POLLUTION, FLOODING, WATER POLLUTION, OR ANY OTHER IDENTIFIED RISK TO ENVIRONMENT, LOCAL AMENITY OR PUBLIC HEALTH AND SAFETY.***

- 7.5.5 Draft edition 10 of Planning Policy Wales which has been out to consultation but is yet to be published states:

*The planning system is preventative and should maximise its contribution to achieving a healthier Wales by aiming to reduce average population exposure to air and noise pollution*

*alongside action to tackle high pollution hotspots. In doing so, the agent of change principle will be a relevant consideration. The planning system must:*

- *consider the long-term effects of current and predicted levels of air and noise pollution on individuals, society and the environment as part of supporting the development of sustainable places;*
- *prevent the creation of any new, or the worsening of any current, air quality or noise pollution problems from arising as a consequence of development; and*
- *identify and pursue any opportunities to minimise increases in, or preferably reduce, current levels of population exposure to air and noise pollution, and improve soundscapes, where it is practical and feasible to do so and the measure can achieve what it is intended to.*

It adds:

*When developing strategies, proposing or considering development it will be essential to understand the implications of the transport demand associated with the proposal and the effect this may have now and in the foreseeable future. When proposing to introduce a development activity into an area the impacts which existing sources, such as roads, railways and industrial or commercial sites, have in terms of airborne pollution should be carefully considered, particularly taking into account any increases in air and noise pollution levels which may be reasonably expected in the foreseeable future as a result of increased transport activity.*

*Proposed development should be designed wherever possible to prevent adverse effects to amenity, health and the environment but as a minimum to limit or constrain any effects that do occur. In circumstances where impacts are unacceptable (for example, where adequate mitigation is unlikely to be sufficient to safeguard local amenity) it will be appropriate to refuse permission.*

- 7.5.6 As PPW (edition 10) is yet to be published, the weight it can be afforded is more limited as aspects of its air quality coverage may change. However, the Council's own adopted policy presumes against granting development which would cause unacceptable harm to human health. This accords with its obligation to sustain compliance with or contribute towards meeting limit values or national objectives for air pollutants taking account of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. It is also interesting to note that the Interim Supplemental Plan by Welsh Government appears to support the concerns expressed by the Council's Scientific Officer in terms of the projected improvements to emissions in future upon which modelled data is based, saying that such improvements do not appear to have materialised to the degree expected so far. Consequently, a degree of caution should perhaps be applied to future projections of emissions improvement (from low or zero emission vehicles, etc) when assessing air quality impacts. This is not entirely helpful when applied to development management but recent case law in the case of Gladman Developments Limited v SSCLG and others suggests that some modelling scenarios can reasonably be considered optimistic in the absence of firm data on the rate at which reductions in NO<sub>2</sub> emissions from traffic is likely to occur.
- 7.5.7 Air quality limit values identified in law are 40 micrograms per cubic metre for the annual mean concentration of nitrogen dioxide (NO<sub>2</sub>). This does not represent a threshold between clean and unclean air but rather the limit over which directive thresholds are breached and action must be taken. AQMAs are areas where air quality is already unacceptable and authorities are obliged to formulate a Plan outlining necessary steps to address factors that are causing unacceptable air quality in the interests of safeguarding human health. The Council has adopted Supplementary Planning Guidance in relation to air quality and provides advice in relation to need for and preparation of Air Quality Impact Assessments. This application is supported by such an Assessment as part of the ES.
- 7.5.8 The Well-being of Future Generations (Wales) Act (2015) and the Council's own Wellbeing Plan are also relevant and are further discussed at paragraph 7.3.5 of this report.

7.5.9 In its ES, the applicants appear to accept the uncertainty of future emissions data and have therefore modelled a number of scenarios with sensitivity testing. Having regard to officer consideration of the fall back, modelled scenario 2 is considered to be unrealistic as provides data had the University remained open. Officer assessment has therefore focused upon scenarios 1, 3,4 and 5 with an assumption that actual outcomes will likely fall somewhere in between the baseline data based upon 2016 air quality and the modelled data based upon projected 2025 air quality (2025 projections for the purposes of modelling suggest emission reduction of 30% arising from cleaner engines and lower emission vehicle types). The 2025 modelled data is also broken down into 2 types, these being the version that assumes emissions standards will improve as per Euro emissions targets and a version based upon a more gradual reduction in emissions. It is considered that this addresses the risk of basing the modelling on what are arguably significant overestimates of future emissions improvements and having regard to the uncertainties with such predictions expressed by Welsh Government and other parties.

7.5.10 The modelled data compares the following scenarios:

- Scenario 1: Based on 2016 traffic flows and validated against 2016 local monitoring data.
- Scenario 2: A 'baseline' scenario for 2025 taking into account growth in ambient flows, full occupation of the campus had the university continued to operate and other committed developments in the area (not UoSW campus development).
- Scenario 3: In 2025 Sensitivity is as the baseline minus the campus occupation.
- Scenario 4: In 2025 without the university campus but with the development. Estimations are based on the year on year ambient growth factors for the roads (2025 Baseline).
- Scenario 5: As scenario 3, but with 3 HGVs per hour added on all links to represent potential construction vehicle traffic.

2025 scenarios include cumulative effects arising from committed developments that include land at Ponthir Road, Trinity View, Forge Close and the Critical Care Unit at Llanfrechfa.

7.5.11 The Caerleon AQMA is defined to incorporate the area of Caerleon that has consistently shown elevated and unacceptable air quality pollution levels which appear to focus on the High Street and Castle Street areas. Both national and local government are responsible for ensuring compliance with air quality objectives in the shortest possible timeframe. With this in mind, for 6 receptor locations moderate to substantial impacts are reported to arise from the air quality impact of the 'no development' vs development scenarios based upon 2016 emissions in this case. This is equivalent to a 2-3.25% increase in NO<sub>2</sub> at 18 High Street and 6-7 Castle Street, 1 Castle Street, 21 High Street and 96 Mill Street. However, based upon 2025 emissions projections this reduces to slight impact (under the most optimistic model) to moderate (in the less optimistic version) in relation to 3 receptors (18 High Street and 6-7 Castle Street). Effects elsewhere are modelled as negligible and particulate matter concentrations based upon a no development vs development scenario are reported as negligible at all receptors. These negligible effects do not mean that there is no additional worsening of air quality at receptor locations. In fact in some cases it will mean that a worsening occurs but in relative terms it is of limited effect in emissions terms. If we therefore assume that actual projections fall somewhere in between the 2016 and 2025 data above, at best it can be said that the impact of development on 3 properties (compared to a no development scenario) is moderate. This is in areas where emissions are already exceeded. The Scientific Officer has also identified discrepancies in some data emerging from the models and has been unable to explain this. The data identifies would influence the magnitude of impact and therefore some uncertainty exists regarding this, notably in relation to Castle Street properties. At time of writing, officers had been unable to clarify these aspects with the agents.

7.5.12 Even looking at the modelled data comparing the university remaining open (with cumulative increases arising from other developments added along with construction traffic) and the scenario of the site with the proposed development, it gives rise to moderate impact based upon 2016 data (emissions) and negligible impact based upon 2025 data (based upon optimistic projections of emissions reduction) and slight (based on the less

optimistic projections). Even assuming absolute confidence in the traffic data from the operating university (i.e. no over estimate), the reduction in impact on the 3 affected properties would be reliant upon vehicle emissions decreasing by 2025. However, as the fall back/baseline traffic data is not agreed the 'no development' scenario is most relied upon and although officers accept that the site will likely generate trips in future, no other scenario has been modelled and no further reliable conclusions can be drawn on the realistic added effects of the development traffic over and above this. The negligible impact alleged by the applicants at 2025 is not reliable. The Impact Assessment also suggests impacts during construction at receptors close to the site, notably dust related. Such effects are not uncommon when demolition and earthworks for example are being undertaken. These effects can be managed with appropriate mitigation and appropriate mitigation is set out in the Assessment. Whilst some effects will likely occur to nearby sensitive receptors during the construction period, these are able to be mitigated and are unlikely to be significant. Appropriate conditions on any permission would be required.

- 7.5.13 Moderate or substantial effects at receptors are likely to have a significant effect on human health. In this case the effect is spread across several properties fronting the main circulatory route and clearly occupiers of these properties are at risk from more prolonged exposure to emissions that exceed accepted standards. In addition, areas of exceedance are located in a confined built-up area with a canyon type effect and where pedestrian traffic in particular is expected by reason of the mix of residential and commercial properties along with school related movements. Drivers and passengers within queuing vehicles are also subject to unacceptable air quality exposure for the duration of their journey through the AQMA.
- 7.5.14 Having regard to the conclusions of the traffic assessment in relation to New Road/Caerleon Road/High Street (which shows this area at capacity with significant forecast increases in queuing traffic and delays), the air quality impact at Tollgate House is modelled as negligible to slight possibly by reason of the fact that Tollgate House is not located within a canyon like those along High Street and Castle Street and therefore natural air dispersal reduces the impact of NO<sub>2</sub>. The details provided show a 2-3% in NO<sub>2</sub> exposure at the property at 2025.
- 7.5.15 In 2017 the Council reported the monitoring results of 19 non automatic test sites located within the Caerleon area for the 2016 period [Local Air Quality Monitoring Progress Report 2017]. Many of these did not show exceedance of objectives and fall outside the AQMA area. However, 4 test sites along High Street showed exceedance of legal standards with the highest being at 15 High Street (54.1 micrograms of NO<sub>2</sub> per cubic metre compared to the 40 objective figure). Tollgate House was well below the limit whilst Gwent Cottage, a dwelling located on New Road a short distance from the toll house, produced a reading of 34.1. Gwent Cottage does not appear on the AQ assessment for the application and was first modelled by the Council over the 2016 period. In the case of 2 properties along High Street – 15 and 18, the Council has monitored these areas via diffusion tubes at the roadside since 2005 with the lowest figure obtained being 47.7 and highest being 67.5. Even over the 2016 annual assessment period, bearing in mind the closure of the University in July of that year, the readings at both are 54.1 and 49.3, considerably above objective levels. Number 15 High Street is modelled as being slightly impacted by the development. However this is relative to the significant exceedance that already occurs and this proposal will make the likelihood of bringing the air quality below the objective in the shortest possible time more difficult to achieve in practice. The Council has also produced a detailed assessment of air quality in Caerleon (Caerleon, Newport Air Quality Detailed Assessment 2016) that provides additional data in relation to the quite unique air quality challenges Caerleon faces.
- 7.5.16 The Council's Scientific Officer objects to the proposals as is concerned that predicted improvements to air quality will not be achieved by 2025 and that the baseline of the University remaining open has overestimated traffic generation. It is considered that mitigation is required and whilst improvements to bus, cycle and walking accessibility are proposed, these will not remedy harm albeit that they are positive steps to reduce car reliance. The applicant expresses a degree of frustration that the Council does not have a

set of air quality initiatives that it could perhaps contribute to as part of this proposal. It points to the Council's previous 2008 Action plan that lists a variety of objectives to improve air quality in the AQMA and suggests some of these have not been achieved (most appear to have been partially achieved). The Council has undertaken a number of studies into changes to the highway network that may improve the flow of traffic and air quality in Caerleon but short of radical actions to prevent or reduce traffic in Caerleon, changes to direction of flow or delaying of traffic flow through the one way system in particular is merely tinkering round the edges of a bigger problem and potentially giving rise to problems on other parts of the network. This is being further considered and as previously mentioned, an updated Action Plan is currently being prepared but at time of writing this was not published and cannot be taken into consideration. Notwithstanding this, the SPG is adopted and consideration of air quality impacts is made through the planning process. However, it is difficult to negotiate potential mitigation when the overall Action Plan and associated initiatives are not set out. Notwithstanding this, the mitigation suggested by the applicant is similarly not supported by evidence to show how effective those measures are likely to be in reducing the use of private petrol and diesel vehicles and reducing NO2 emissions. It refers to the Travel Plan already discussed at section 7.4.6 of this report and incentives to encourage cycling amongst other things and whilst the applicant's willingness to engage in discussion regarding ways to improve air quality in the town are welcomed, this does not address the Scientific Officer's objection.

- 7.5.17 The Health Board has raised no objection to the proposal on air quality grounds but acknowledges that the proposal will have an adverse impact on the AQMA. In many cases the impacts from an individual development will be insufficiently large to result in measurable changes in health outcomes that could be regarded as significant by health care professionals and health boards. Furthermore, the Board has considered data presented against the baseline scenario that officers do not accept. Therefore, the absence of an objection from the Board does not, itself, alter officer opinion.
- 7.5.18 So, based upon the above it is considered that the proposal would have an adverse impact on air quality in the Caerleon AQMA and that, for some areas in the AQMA this effect is likely to be significant in planning terms. Whilst the applicants consider this to be negligible to slight in comparison to the impact of the site remaining in use by USW, officers have already confirmed that this baseline is not accepted and no alternative scenarios have been modelled based on options for the site and future trip generation with a more realistic prospect of occurring. Whilst some measures are proposed to mitigate effects, there is no real evidence that these would achieve a reduction in emissions and consequently the impact upon human health is significant. It is possible perhaps that a smaller development would, on the basis of evidence currently available, have a lesser and acceptable impact if future emissions improvements are realised. However, this is merely a possibility as no such scenario has been assessed at this time. The development is therefore contrary to policies GP2, SP1 and GP7 of the adopted Local Development Plan.

## **7.6 *Infrastructure impacts and the ability of local services to accommodate the demands placed upon it by the development***

- 7.6.1 Officers have already assessed the above having regard to health services at paragraph 7.3.13 of this report. In relation to the loss of the sports hall, this closed in July 2016. The ES confirms that the retention of the sports hall was an option considered by the applicant but that there has been no commercial or subsidised public interest in it. Its loss is regrettable as a modern gym facility is lost. However, the sports centre was built to primarily serve the University and whilst it would have been unlikely, public use of the facility could have been prevented at any time. The applicants confirm that the adjoining tennis courts were entirely integrated into the sports centre and this appears to be the case based on officer site visits.
- 7.6.2 The ES confirms that the centre was heavily reliant upon subsidy by USW and USW staff and students with some 325 community members per annum of the gym over the last 4 years of operation. The main concern expressed by parties that expressed interest at marketing stage was the viability of the centre in the absence of the significant subsidy

comparable to that provided by USW. The applicants contend that whilst the community used the facilities, this was never at a level sufficient for them to be self supporting. Interestingly, all alternative provision is located within an approximate 20 minute drive of the site.

- 7.6.3 Other recreational facilities exist within Caerleon and the applicants have pointed to other health and fitness type facilities at the Celtic Manor and in Caerleon itself and based upon the information provided officers consider that the demolition of the sports centre has been justified and that the impact of its removal upon the wider health and wellbeing of the Caerleon population, even if adverse, is not demonstrably significant. Notwithstanding this, on site open space is to be preserved at the rugby pitch and this facility will serve a catchment wider than the site itself. Also, the applicant has agreed to provide a financial contribution to the enhancement or provision of off site public open space over and above proposed on site informal and equipped areas of play.
- 7.6.4 Turning to schooling, 3 schools are located within the catchment, these being Caerleon High School, Charles Williams Primary School and Lodge Hill Primary School. The development will exert pressure on these schools that current capacity figures indicate cannot be accommodated. The Chief Education Officer has confirmed that a financial contribution to the improvement of these schools to accommodate the additional demands placed upon them by this development, will be required and that this should at least be in accordance with the Council's Supplementary Planning Guidance on Planning Obligations. In reality, she suggests, the cost of providing additional places at these schools, will be higher.
- 7.6.5 Officers consider that contribution requests in line with the adopted SPG can be justified in this case and whilst the Chief Education Officer's comments on additional cost are noted, they cannot be justified at this time and in the absence of policy guidance support or overwhelming alternative evidence. As we have neither of these at this time, the SPG methodology for calculating financial contributions to mitigate harm identified by development is the appropriate means of addressing this issue and the Chief Education Officer has raised no objections that would suggest that such money cannot be spent to achieve appropriate enhancements. As this is a hybrid submission with much of the projected population arising from the outline elements of the scheme, figures are indicative at present and based on approved formula. These figures are based upon indicative unit numbers and sizes provided as part of this application but have the potential to change if permission is granted. The overall planning obligation package discussed and agreed by the applicant is provided at section 7.2 of this report.
- 7.6.6 Having regard to the applicant's Environment Statement, officers consider that the proposal will not place unacceptable demands upon local services and that it accords with Policy CF1 (in relation to the loss of the sports centre) and SP13 (Planning Obligations) of the adopted Local Development Plan.

## **7.7 *Impact upon on site protected trees***

- 7.7.1 The Council's Tree Officer has raised a number of concerns regarding the impact of the proposals upon on site protected trees. These largely relate to lack of clarity or lack of information although specific concerns are raised on some areas of the illustrative layout in terms of proximity to tree groups or individuals. Most of the protected trees are sited in areas of the site that fall to be considered under the outline elements of this proposal and based upon illustrative plans there appears to be some clear areas of potential conflict or risk to protected trees. However, as the layout in these areas is illustrative, it will likely be subject to change and issues raised by the Tree Officer in relation to these areas can reasonably be addressed at reserved matters stage or by planning condition. Issues relating to equipped areas of play and proximity to trees to these and other infrastructure will likely require further discussion through more detailed masterplanning for the site and likely once a developer is on board. Similarly, issues such as tree buffers at woodland edges and the treatment of communal spaces are all important design and layout principles

going forward. It is possible that addressing these issues will affect unit numbers. Trees on this site are of significant amenity value and the goal is for long term preservation.

7.7.2 It is considered that in many respects the applicant's development framework and illustrative master plan show a clear awareness of the value of retaining on site trees and has acceptably accommodated them into concept drawings. Further plans showing tree constraints and root protection areas show much consideration of tree features on site and identified potential mitigation where, for example, the illustrative masterplan would require works within root protection areas. This information will require conditions to ensure implementation and further conditions that protect woodland buffers will also be required. In relation to a protected tree located within the curtilage of the converted Ty Hywel building, this will require a condition requiring a further arboricultural method statement during any conversion and associated works in accordance with details provided and the arboricultural method statement provided with this application acknowledges that the tree protection measures discussed in it and shown on the accompanying Tree Protection Plan should be finalised alongside the detailed design. For trees T31 and T32, the illustrative masterplan shows a unit located well within the canopy spread of the trees and the Tree Officer has advised that these trees would require removal based upon the plan provided. There is no justification for this and it is unacceptable. However, it is considered that there is scope to reconfigure this plot, change the house type or move its location away from the protected trees. This is a matter that could be further controlled at reserved matters stage when detailed landscape and layout considerations would ordinarily be considered. With an appropriate conditioning regime, that will include a tree and woodland management plan amongst others, officers are satisfied that the impact upon protected trees is acceptable.

## 7.8 **Secondary Issues**

7.8.1 Insofar as matters identified as secondary are concerned, these have been referred to in other parts of this report but are considered further below.

### 7.8.2 **Heritage**

This is discussed in paragraphs 7.2.2-7.2.5 and 7.3.4 of this report. The proposal is submitted in full in respect of the conversion of the heritage assets and includes the conversion of the main building to 42 apartments with minimal external alterations; the conversion of the Ty Hywel building to 2 units; the conversion of TJ Webly to 2 units and the use of Felthorpe House as a single dwelling. A key point in relation to heritage matters is how, in any development, the heritage assets would be brought forward bearing in mind viability issues raised by the applicant as part of this application. A phasing plan would potentially resolve this issue but officers consider that the conversion of the heritage assets would need to be at an early stage of development bearing in mind the merits afforded by it.

7.8.3 The Council's Conservation Officer has raised no objection to the scheme but requests conditions be imposed in relation to some matters. It is evident that the applicant has sought to address most of the concerns raised by the Conservation Officer in the earlier stages of the application and this is welcomed. The conversion works appear to provide all units with acceptable standards of amenity, not least by having existing large windows serving the habitable space. Ground floor layout is assisted by the retention of the wood clad board room for use as a resident's lounge and the large entrance hall and attractive internal corridors that run as a spine along the linear form of the building being largely retained to service new flats. An internal courtyard is preserved with pedestrian access off retained corridors. An existing ancillary building to the rear of the main building is to be retained as a village hall. It is unclear how this will function in practice or what demand may exist for it and further clarification on this will be required but the principle of retaining it as a communal space is acceptable.

7.8.4 With existing spaces around the building retained, these units will benefit from a high standard of amenity overall and whilst some upper floor flats are more awkwardly configured, they retain acceptable space and amenity standards with some falling short of SPG floorspace standards as previously discussed, but the scheme overall being



acceptable in this respect. Acceptable amenity for some units is dependent upon the demolition of those elements of the building shown on the submitted drawings. There are no objections to this demolition in heritage terms and in fact it has the potential to enhance the listed building in officer view and subject to appropriate controls being exercised over timing, methodology and making good.

- 7.8.5 Conversion of the TJ Webby building is compromised by its proximity to the Kegie buildings with outlook at the rear dominated by this building. The Kegie building, proposed for employment purposes, includes glazed sections on landings that will allow overlooking of habitable rooms in the converted units and approximately 20m from it. This is not ideal but is a situation that exists at present and will be a factor considered by potential occupiers in future. Other outlooks from the building offer high amenity value being northward to the main building or southward to the rugby pitch for example and this does limit the overall amenity impact of the Kegie building. Furthermore, windows in these units will have potential to overlook each other but the proposed layout is such that this can be adequately addressed by appropriate conditions to secure obscure glazing to some openings, several of which already have obscured glazing anyway. This building lends itself to residential conversion so this is, in principle, acceptable.
- 7.8.6 Conversion of the Ty Hywel building to 2 units is also acceptable and requires minimal interventions. In amenity terms, standards are good. The rear apartment at ground floor is dominated by a large protected tree that will comprise part of the apartment's curtilage. This tree is shown as retained and appears to be in good condition. It is a large specimen that will invariably cast shade over some of this unit's windows and external amenity space. Whilst this does not adversely affect the heritage asset, it may have longer term implications for the tree in terms of pressure to trim and reduce it. However, on balance it is considered that this risk is manageable.
- 7.8.7 The proposed treatment of spaces around the listed buildings is considered acceptable and well designed but lacks the benefit of a final landscape plan and this would be required. These spaces will be subject to Private Management Agreement and this would need to be secured by condition or by way of legal agreement. The retention of the gate piers and removal of the modern gates is not welcomed by the conservator officer who states:

*It is proposed to remove the modern gates from the listed piers and flanking railings, and suggested that these are not of significance. I would disagree; although their detailing is poor they still represent the historic arrangement and form and, when viewed from the principal building, provide a focal point to views down the main drive. Without the gates, the inter-visibility and group value of these listed structures would be diminished. I suggest consideration is given to reinstating the original detailing which can still be seen on online imagery.*

Nonetheless, this does not weigh heavily against the scheme as part of this application. The gates would have a purely cosmetic purpose as could not realistically be closed. This raises issues of maintenance in the longer term and bearing in mind they are modern additions in any event, their loss is not considered significant.

- 7.8.8 Overall, the scheme provides an acceptable standard of amenity for future occupiers whilst at least preserving the heritage asset and this is of significant merit. The impact upon the special character of the listed buildings will be considered in more detail as part of the Listed Building Consent but for the purposes of this application, the proposal represents an acceptable reuse of the listed buildings and Felthorpe House and does not adversely impact their setting. It accords with Policy SP9 of the adopted Local Development Plan.

#### 7.8.9 **Visual**

The applicant has provided a comprehensive set of images associated with a Landscape and Visual Impact Appraisal and this is welcomed. Views are generally accepted as being medium to high in sensitivity terms. The site is located on a prominent ridge in the town and the LVIA suggests that the replacement of large scale buildings on

site with new housing that follows the landform and is of a scale which is more in keeping with the surrounding residential areas, results in a positive visual effect. Officers agree.

7.8.10 The LVIA imagery confirms some areas of the outline elements of the scheme are particularly sensitive. For example, the redgra pitch area is elevated in comparison to Lodge Road and whilst 3 storey maximum parameters are shown here, this would need careful consideration at reserved matters stage along with associated means of boundary enclosure. These units would have the potential to dominate views at Lodge Road albeit that a set back is noted. Units to the north of the site facing Brooklea and the split level units adjoining the woodland edge will all need careful consideration having regard to topography and the potential need for retaining wall features. Buildings at street ends to the north of the site also need careful consideration having regard to their prominence and site topography.

7.8.11 The Council's Landscape Officer has advised that an early infrastructure planting plan and review of LVIA vantage points at each development phase should be subject to planning condition and some areas of the illustrative layout require more detail, potential changes and notably more tree planting. Details of boundary enclosure are also unclear and would need to be further controlled. Details forming part of the full elements are required and should also be conditioned. On the basis of these comments it is considered that whilst there are outstanding matters and potential concerns relating to landscape impact going forward, these are resolvable with the submission of further plan details in particular and these would need to form part of any conditioning regime on a planning approval.

#### 7.8.12 ***Other issues: Noise***

This is referred to at paragraph 7.3.12 of this report. The Council's Public Protection Manager has expressed no objection in relation to noise impacts subject to recommended conditions and clarification on matters relating to the proposed development and its exposure to noise. Officers concur with the need for conditions. In terms of future development, areas subject to the effects of road traffic noise will require further information pursuant to a reserved matters submission to demonstrate that acceptable internal and external noise levels in accordance with standards applicable at the time. The hours of operation of the Kegie building will require limitations having regard to its proximity to residential units and as this forms part of the full elements of the scheme such conditions would need to be imposed on any approval for this application. Construction noise is likely and to be expected bearing in mind the works proposed. Potential impacts arising from the route of construction traffic will need mitigation but officers are satisfied that this can be controlled via a Construction and Environmental Management Plan that secures construction traffic routing, dust, waste and noise mitigation, wheel washing and vibration controls/management as a minimum. It would also control contractor parking and the location of site operative welfare facilities. Construction hours are regulated by Environmental Health. Based upon the above, the proposal will have an adverse effect over the construction period on some nearby sensitive receptors and potentially future housing on the site itself but the effects can be reasonably managed and having regard to site size and no development buffers along some boundaries, such effects will not be significant.

#### 7.8.13 ***Other matters: Ecology, Archaeology, Drainage and Contamination***

In relation to ecology this is also referred to at paragraph 7.3.11 of this report. A separate license from NRW will be required. In relation to archaeology the site is located in an archaeologically sensitive area and the Council's technical advisors on this matter have advised no objection subject to 2 conditions relating to building recording and a written scheme of investigation for a programme of archaeological works. Cadw have also advised that the proposals will not have an adverse impact upon any local scheduled monuments. In relation to drainage, Welsh Water has raised no objection on the basis that the application supporting information shows reduction of impermeable surface area and a reduction in flows to the public sewer. Sustainable Urban Drainage Systems need to be further explored as part of any subsequent applications and an integrated drainage strategy

would be required that has regard to any existing drainage problems on or affected by the site. This could be secured by planning condition. Natural Resources Wales has raised concerns regarding potential contamination on site and risk to controlled waters and has recommended several conditions including risk assessment, verification and remediation. With these conditions, NRW confirms no objections are offered.

## 7.2 Section 106 Planning Obligation matters

### Summary

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

<b>Service Area that requires planning obligation</b>	<b>Purpose of planning obligation</b>	<b>Planning obligation initially sought by Planning Authority</b>	<b>Summary Heads of Terms agreed by applicant(s)</b>	<b>Viability Issues?</b>
Chief Education Officer	To fund the provision of education enhancement	In accordance with formulae in adopted SPG.	In accordance with formulae in adopted SPG	No
Head of Regeneration, Investment and Housing	To provide on site affordable housing	40% on site at no more than 50%ACG	10% on site	Yes
Head of City Services (Leisure)	To fund enhancement of off site open space	In accordance with adopted SPG	In accordance with formulae in adopted SPG	No
Head of City Services (Highways)	Off site highway improvement works	A contingency figure	A contingency figure	No

### Heads of Terms Agreed by Applicant

Based upon adopted SPG formulae, viability considerations and indicative unit numbers and types proposed, the application would require:

- £817,846 to Caerleon High School;
- £1,079,705 to Charles Williams Church in Wales Primary School and Lodge Hill Primary School;
- £958,065 to formal play provision in the Caerleon ward.
- 10% affordable housing on site;
- £344,384 to contingencies that will include, as a minimum, off site highway works.

### Viability

In this case, the developer has provided information in relation to the viability of the planning obligations relevant to the scheme and this information has been assessed by the District Valuer independently of the Council. The DV and applicant have agreed that a financial contribution of £3.2 million and 10% affordable housing is viable in this case. This has regard to an open book appraisal specific to the details provided as part of this application (including unit numbers, types, etc).

## 8. OTHER CONSIDERATIONS

### 8.1 *Crime and Disorder Act 1998*

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

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

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

## 8.3 Having due regard to advancing equality involves:

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

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

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

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

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

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

## **9. CONCLUSION**

### 9.1 The proposal will have a significant adverse impact upon interests of acknowledged importance, namely highway capacity and the flow of traffic, residential amenity and human health. Officers have considered the merits associated with the proposal (both significant and less so) carefully and noted these in the report. Officers have also considered whether the adverse impacts identified can be suitably addressed by way of planning conditions or legal agreement and where they consider this possible, the report confirms it. The proposal represents an unparelled set of circumstances, which although resulting in development in a location which would normally be preferred, presents a unique range of impacts that on balance will adversely effect the wider community. Officers consider that the benefits arising from the proposal would not demonstrably outweigh the objections stated in relation to highway and air quality matters and their associated effects upon highway capacity, highway safety, residential amenity and human health, as these weigh very heavily against granting planning permission for this scheme. Whilst the full elements of this proposal may, in isolation, have drawn a different conclusion to officer's balanced judgement, it is the

scheme as a whole that is to be considered and it is therefore recommended that the application should be refused.

## 10. RECOMMENDATION

### REFUSED

The proposal will have a significant adverse effect upon interests of acknowledged importance, namely highway safety, the free flow of traffic, residential amenity and human health by reason of an increase in traffic generation, lack of highway capacity at Station Road and New Road/ High Street/Caerleon Road with associated increases in congestion, and an adverse impact upon air quality in the Caerleon Air Quality Management Area. The information provided does not mitigate this objection and the proposal is contrary to policies SP1, SP2, GP2, GP4 and GP7 of the adopted Newport Local Development Plan (2015).

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: 15024.L90.01-09 (inclusive), 15024\_TB\_02.15P5, TB\_04.22P5, TB.29P5, 04.30P6, 02.21P1, 04.08P3, 04.11P4, 04.23P3, 04.09P5, 04.10P5, 02.13P5, 04.24P3, 04.27P3, 04.28P3, 04.31P3, 02.01P7, 02.02P6, 02.03P7, 02.11P5, 02.05P6, 02.12P5, 02.01P7, 04.21P4, 04.24P4, 04.03P3, 04.05P2, 04.06P2, 04.07P3, 02.04P6, 04.01P4, 04.04P4, 02.14P4, 04.25P4, 15024.PR.02.01P6, 02.10P3, K\_02.10P1 & 11P1, CL\_04.01P2, 02.01P4, 02.10P3, 04.10P2, F\_02.10P1, GP\_02.01P1 & P2, 15024.L02.01revE, L03.02revC, L02.01revA, L02.02, SP01.02revC, SP01.01revC, drawings 2687 existing surveys by Davies Surveys Ltd, topographical surveys by AD Homer Ltc (x7), 04490TCPprevA, 04490-TPP-2017, 04490-LIP-2017, Caerleon Topographical Survey by Calibro Consultants dated August 2018. Bat Mitigation Strategy by Ecosulis (April 2018), Ecological Enhancement Strategy (April 2018), Tree Survey by Aspect (October 2015), Noise Planning Report by Hydrock (April 2018), Preliminary Geoenvironmental risk assessment (June 2015), Planning Statement by Alder King (August 2017), Design and Access Statement (April 2018), Pre application consultation Report (4 parts), Drainage Assessment by Hydrock (February 2017), Sustainability Statement (April 2017), the Environmental Statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP4, SP9, SP10, SP12, SP13, SP15, SP17, SP18, GP2, GP3, GP4, GP5, GP6, GP7, CE3, CE6, H2, H3, H4, T4, CF1, CF2, CF12, W3 were relevant to the determination of this application.

03 This proposal is subject to an Environmental Statement.

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## **APPLICATION DETAILS**

**No:** 17/0781      **Ward:** CAERLEON

**Type:** OUTLINE + ENV STATEMENT

**Expiry Date:** 08-OCT-2018

**Applicant:** UNIVERSITY OF SOUTH WALES

**Site:** UNIVERSITY OF WALES COLLEGE NEWPORT, COLLEGE CRESCENT, CAERLEON, NEWPORT, NP18 3NS

**Proposal:** **HYBRID APPLICATION SEEKING FULL PERMISSION FOR PARTIAL DEMOLITION, REFURBISHMENT AND CONVERSION OF MAIN BUILDING TO 42NO. FLATS, CONVERSION OF TJ WEBLY BUILDING TO 2NO. DWELLINGS, CONVERSION OF TY HYWEL BUILDING TO 2NO. DWELLINGS (1NO. FLAT AND 1NO. HOUSE), CONVERSION OF FELTHORPE HOUSE TO 1NO. DWELLING, AND EXPANDED USE OF KEGIE BUILDING TO INCLUDE B1A (OFFICE); AND OUTLINE PERMISSION FOR DEMOLITION OF OTHER EXISTING BUILDINGS AND CONSTRUCTION OF UP TO 263 NO. DWELLINGS, 2,400SQM OF FLEXIBLE B1A/D1 NON RESIDENTIAL INSTITUTION FLOORSPACE (KEGIE BUILDING PHASE II), CHANGING ROOM FACILITY, ALTERATIONS OF ACCESSES OFF LODGE ROAD AND COLLEGE CRESCENT, RETENTION OF EXISTING RUGBY PITCH AND COLLEGE ROAD GATE PIERS, AND PROPOSED OPEN SPACE, LANDSCAPING, ENGINEERING AND INFRASTRUCTURE WORKS WITH ACCESS TO BE CONSIDERED AND ALL OTHER MATTERS RESERVED**

### **1. LATE REPRESENTATIONS**

- 1.1 In response to the publication of the Officer report, the applicant's agent has confirmed their disappointment at the recommendation and does not consider that the conclusion provides an "objective assessment of the planning balance". They consider that Welsh Government's support for proactive development of previously developed land through collaborative working is not emphasised as it should be and relevant material considerations include the viability of the development. The applicant's agent considers that on a site of this scale, history and complexity, there is unlikely to be a perfect application scheme. The applicant's agent states that they have worked extremely hard to respond positively to all the queries raised by the Council and its consultees but have felt that dialogue and negotiation has been one sided in some aspects.
- 1.2 In respect of the fallback and baseline issue, they confirm that this has been discussed at length and both sides agree that there is a baseline of traffic that is reasonable to consider in judging the impact of proposed traffic. They contend that it is unreasonable to not accept a reasonable level of baseline traffic and given that the site contains a range of convertible and reusable buildings, there is a real prospect of the site being reused. Further on in their letter they refer to Policy SP18 which supports the reuse of vacant, underused and derelict land. The applicant's agent confirms that if consent is not granted, "it is unclear what will happen with the site. The planning promotion of the site cannot carry on indefinitely as it would have a negative impact on the University's financial position. Accordingly, the University may conclude to either sell the site off to a developer without the benefit of planning or simply mothball it for the time being."
- 1.3 The applicant's agent considers that Chapter 4 of Planning Policy Wales has been afforded insufficient weight in the officer report. The applicant's agent contends that the application site is a substantial brownfield site that cannot be allowed to sit vacant, as it would have a substantial negative impact on Caerleon and would inhibit the University from moving forward with new academic facilities elsewhere in Newport. They go on to say that a more

pro-active 'partnership' approach from the Council would have enabled the Council to begin to address existing highway and air quality issues in Caerleon and that this is a 'missed opportunity'.

- 1.4 The applicant's agent confirms that viability is a key material consideration and the Section 106 Agreement package agreed enables the delivery of a viable scheme. They contend that with a lesser level of development on the site, the scheme will not be viable. Therefore if the site is to be developed to the quality expected, they say this must be balanced against a reasonable baseline and/or fallback and the mitigation offered through the Section 106 package.
- 1.5 The letter goes on to state that the impacts of the development are minor and the resultant benefits that the development could bring in terms of Station Road improvements and an acceptance of the 2025 emission factors results in no or only slight impacts on air quality. They go on to make the point that whilst human health issues are of acknowledged importance, so is the sustainable redevelopment of previously developed land, the provision of housing, employment (which they consider is unreasonably swept aside in the report), the retention and reuse of listed buildings and the provision of open space. The applicant's agent considers that there is a bigger picture which has not been given sufficient consideration and goes on to state that a 'positive and proactive outlook' would have resulted in a different conclusion. They contend that there is no conflict with Policy SP1 or SP2. In terms of policies GP2 and GP7 any adverse effect will not be 'significant' or 'unacceptable' if a reasonable view on emission factors is acknowledged. There is a conflict with GP4 if access arrangements are considered to be unsafe, exceed capacity or are detrimental to highway safety. If this is the case it must be balanced against the wholly positive tenure of other Development Plan policies, Government policy and the wider acknowledged positives which will be derived from the development (directly and indirectly).
- 1.6 In respect of housing land supply, the applicant's agent acknowledges that Newport has a 5 year housing land supply and considers that this is not intended as an 'upper limit' on housing supply. They consider that the Council is inferring that any windfall housing proposals coming forward in a 5 year supply scenario would only be afforded limited weight. In the interest of overall sustainability and providing a flexible and varied housing supply, they consider that this cannot be considered reasonable. Similarly they consider limited weight has been afforded to the job creation elements of the scheme, both in terms of construction jobs and the proposed on-site employment. The applicant's agent confirms that Caerleon is an atypical office location and demand will not be confirmed until planning permission has been granted and the site marketed. The applicant's agent considers that any prospective occupiers are unlikely to register an interest in a scheme which has an uncertain timescale for delivery and insufficient weight has been afforded to this aspect of the application. It is further added that any inconsistencies regarding development dates are likely to have arisen from the elongated planning application process.
- 1.7 In response to comments by the Council's Highways Officer the applicant's agent has submitted further comments which are summarised as follows:
  - The Local Highway Authority have failed to recognise the limitations of the ARCADY capacity model which over-estimates the volume of traffic released from the High Street approach. This results in significant 'gaps' in traffic that would otherwise allow vehicles from Station Road to enter onto the junction, thereby magnifying the impact of the proposed improvements to an unrealistic level.
  - The Local Highway Authority fails to recognise the limitations of capacity modelling which has not been able to account for the significant delay currently suffered by 'slow moving' traffic which has been referred to by the public and technical consultees. The proposed improvements will dramatically improve capacity on the High Street approach, thereby reducing the extent of slow moving traffic. This would more than offset any consequential change in performance of the Station Road approach.

- The Local Highway Authority has failed to take a balanced view that reflects known factors (i.e. slow moving traffic) which they have recognised as a major contributory factor to current highway issues in Caerleon.
- In respect of larger vehicles straddling both approach lanes on High Street, details submitted confirm that this only applies to articulated vehicles which accounts for 0.46% of traffic on this link in the morning peak hour and 0.21% in the evening peak hour. It is therefore considered that the risk is immaterial and would not have a material or discernible effect on the capacity enhancements proposed by the junction improvements.
- Any risks from articulated vehicles would be manageable through the advanced positioning of the goods vehicle (which would prevent and discourage other drivers from attempting to pass alongside the vehicle). It is also pointed out that drivers of articulated vehicles are professionally trained and would not continue to undertake a turning movement if there was a vehicle alongside. This risk of 'side-swiping' accidents is reduced by a vehicle straddling the approach lanes compared to a dedicated lane which causes the rear end to overhang the adjoining lane during a turn.
- There is considered to be no unacceptable highway safety risk that would prejudice the principal of the proposed enhancements to the High Street/Station Road mini roundabout.
- With regard to baseline traffic figures, the use of 2009 aerial imagery is unrepresentative and the relocation of staff/students from the Allt-Yr-Yn Campus did not occur until June 2010. The car parking demand identified in the Google imagery (708 parked vehicles) is entirely valid. Imagery from March 2013 shows at least 702 parked cars within the Campus. Consequently, they consider that the validity of their previous analysis and the on-going issue of modal split remains valid and supported by evidence.
- The applicant's agent is disappointed that the performance of the Newport Road/Caerleon Road junction forms part of the objection since it was identified by the Council's consultants that this was used as a 'rat run' and traffic would redistribute as the junction begins to operate over capacity. This junction was not identified as part of the 'three principal issues' email of 9<sup>th</sup> August 2018.
- The proposed development reduces traffic demand at the Newport Road/Caerleon Road junction by -1.6% when considered against the baseline scenario. Ignoring campus traffic, the impact from the development would be just 7.1% and 6.3% in the weekday morning and evening peaks, both of which are well within the day-to-day fluctuation in traffic that is reasonably expected.
- It would not be within the interest of local residents to increase capacity at the Newport Road/Caerleon Road junction given the potential to unlock demand and increase traffic through the village and the recently expanded AQMA.

1.8 In response to comments by the Council's Scientific Officer the applicant's agent has submitted further comments which are summarised as follows:

- Many of the issues raised in this review have been previously discussed and it was our understanding deemed acceptable. At no time has the methodology or results been questioned.
- It is acknowledged that there is uncertainty over future vehicle emissions factors. However, there must be a universally agreed methodology for assessing future developments. This is laid out by the IAQM in the Position Statement which confirms that the EFTs are given considerable weight nationally.
- An assumption has been made that the CURED Emissions Factors (EF) will always result in higher roadside concentrations. It is not clear where this comes from. It seems to have been assumed that because of this there are errors in the tables. Despite efforts to discuss this, there has been no attempt by the officer to clarify their interpretation of the tables in the report.
- In the report the validation results for the CURED EF model are presented in Table 7.12 and EFT v8.0.1 presented in 7.13. In these tables Receptors R7, R8 and R18 are higher for the CURED model but all other receptors are lower. In fact, the



majority of receptors were higher using the EFT v8.1.0 integrated in ADMS Roads. So it is not true that “every CURED EF result is higher” in the model validation.

- It would not be expected for 2016 results to be higher. CURED v3A are based on COPERT v5.0, as EFT v8.0.1 is. The emissions factors only change beyond 2020. The difference in modelling results for the two identical scenarios is down to the different methodologies used to generate the emissions factors in the model. The EFT v8.0.1 is incorporated in ADMS Roads, whereas CURED v3A is a separate calculator. This results in a marginal difference to the correction factor (1.16 vs 1.09).
- Going forward, the CURED v3A reflects uncertainty in Diesel emissions, it is not simply a higher emissions factor. Therefore, roads which have high proportions of Diesel cars (i.e. HGVs) are likely to see increased concentration estimates compared to those that are mainly petrol cars. This is exactly what is reflected in the results highlighted.
- The scenarios modelled in the air quality assessment are based on those used in the transport assessment. We are aware of the opinions of the officers on the baseline scenarios, but no questions have been raised over the validity of the “with development” scenarios (4 and 5).
- Local Authorities have a legal obligation to monitor air quality. As part of this an understanding of the pollutant sources is also just as important. In the previous response we received it was stated repeatedly that the reasons for the air quality trends were unclear. We attempted to provide some clearer diagrams for individual sites.
- In the latest response a general trend line for Wales has been shown, again with questions asked as to the trend. Bundling all air quality results into a single trend graph is counter-productive and proves nothing. In order to identify trends ALL sites need to have their sources monitored and similar sites compared with each other.
- The reference to the Council’s Air Quality Supplementary Planning Guidance document is noted. The submitted Air Quality EIA Chapter complies with the guidance contained in the document, which has been previously confirmed by the Scientific Officer. Notwithstanding, our concern lies more with the fact that the SPG isn’t a proactive document and will effectively do little to address the existing air quality issues experienced in Caerleon. The Council should also be producing an air quality action plan, to this end.
- The extended area of the AQMA was discussed with the Scientific Officer and it was agreed that including Gwent Cottage would not provide any additional information and was not required. It is therefore unclear why this receptor is not being referenced in the Officer’s response.

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

- 2.1 The comments from the applicant’s agents are noted. Matters of air quality and impacts upon local infrastructure have been fully considered and evaluated in the officer assessment. The applicant’s agent contests the overall weight which has been given to the redevelopment of the site and associated benefits to the wider community. However as stated in the Officer’s report “the benefits arising from the proposal would not demonstrably outweigh the objections stated in relation to highway and air quality matters and their associated effects upon highway capacity, highway safety, residential amenity and human health” and the comments received to date do not alter that conclusion.

## **3. OFFICER RECOMMENDATION**

- 3.1 The recommendation in the Officer Report remains unchanged, that is:

**Recommendation: REFUSED.**

**APPLICATION DETAILS**

**No:** 18/0293      **Ward:** ST JULIANS

**Type:** FULL+ENV STATEMENT

**Expiry Date:** 23-JUL-2018

**Applicant:** POBL GROUP

**Site:** LAND TO SOUTH OF GLAN USK PRIMARY SCHOOL, HERBERT ROAD, NEWPORT

**Proposal:** DEVELOPMENT OF 195NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AFFECTING PUBLIC RIGHT OF WAY 407/1

**Recommendation:** GRANTED WITH CONDITIONS WITH DELEGATED AUTHORITY TO REFUSE THE APPLICAION IF THE SECTION 106 AGREEMENT IS NOT COMPLETED WITHIN 3 MONTHS OF ANY RESOLUTION TO GRANT PLANNING PERMISSION.

**1. INTRODUCTION**

- 1.1 The applicant is seeking full planning permission for the construction of 195 dwellings (89 flats / 106 houses) on land to the south of Glan Usk Primary School. The scheme will include associated roads, footpaths, landscaping and necessary infrastructure. Public Right of Way 407/1 runs along the site's western boundary adjacent to the River Usk.

Table 01 – Accommodation by type and tenure

<i>Accommodation</i>			
<i>Houses</i>	<i>Market</i>	<i>Affordable</i>	<i>total</i>
<i>2 bedroom</i>	16	36	52
<i>3 bedroom</i>	31	23	54
<i>Total Houses</i>	47	59	106
<i>Flats</i>			
<i>1 bedroom</i>	0	24	24
<i>2 bedroom</i>	48	17	65
<i>Total Flats</i>	48	41	89
<i>Total</i>	95	100	195

- 1.2 The site is bounded by the River Usk to the west, Glan Usk School to the north and the railway line (Newport – Caerleon) to the east. Parts of the site abut industrial land including the Crawford Trading Estate. There is an extant planning permission for the site (13/1279) which has been part implemented with the construction of 20No. flats, the partial completion of the access road from Courtney Street and the provision of some landscaping works along the top of the river bank. In effect this application seeks a re-plan of permission 13/1279 in relation to the northern part of the site. Issues such as flooding, noise & vibration, drainage, ecology, contamination, sustainability and highway & junction capacity have been considered under application 13/1279 and have been shown to be capable of satisfactory resolution.
- 1.3 As such the key issues that arise under this determination are:
- Design of the proposed buildings
  - Parking provision
  - Suitability of the road layout
  - Amenity of occupiers

- Internal space standards
- Private garden areas balconies
- Public open space
- Landscaping
- Affordable housing provision and other S106 contributions
- Air Quality (Caerleon Road)
- Appropriate Assessment (River Usk SAC)

Minor Issues are:

- Surface water drainage arrangements
- Security of Parking Courts
- Ground Contamination
- Impact on the River Usk Special Landscape Area

## 2. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
00/0768	REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT & HARD PLAY AREAS & RESIDENTIAL DEVELOPMENT	GC 06 November 2000
03/1531	ERECTION OF A REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT AND HARD PLAY AREAS AND RESIDENTIAL DEVELOPMENT (PURSUANT TO 00/0768)	AC 25 May 2004
13/1279	DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 407/1	GC 11 August 2015
14/0300	PARTIAL DISCHARGE OF CONDITION 6 (SITE INVESTIGATION AND REMEDIATION STRATEGY FOR RESIDENTIAL AREA) OF PLANNING PERMISSION 00/0768 FOR THE REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT AND HARD PLAY AREAS AND RESIDENTIAL DEVELOPMENT	A 05 June 2014
14/0332	PARTIAL DISCHARGE OF CONDITION 09 (WHEEL WASH AND DUST SUPPRESSION MEASURES) OF PLANNING PERMISSION 00/0768 FOR REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT AND HARD PLAY AREAS AND RESIDENTIAL DEVELOPMENT	A 07 May 214
15/0257	PARTIAL DISCHARGE OF CONDITION 16 (WORKING METHOD STATEMENT AND CODE OF CONSTRUCTION PRACTICE) OF PLANNING PERMISSION 00/0768/o FOR A REPLACEMENT PRIMARY SCHOOL AND RESIDENTIAL DEVELOPMENT	R 15 September 2016
15/0270	PARTIAL DISCHARGE OF CONDITION 10 (ROUTE OF CONSTRUCTION TRAFFIC) OF PLANNING PERMISSION 00/0768 FOR REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT AT THE GLEBELANDS, ST JULIANS	A 16 April 2015
15/0408	PARTIAL DISCHARGE OF CONDITIONS 05 (REMEDATION STRATEGY TO SAFEGUARD THE AQUATIC ENVIRONMENT) AND 06 (REMEDATION STRATEGY TO SAFEGUARD RESIDENTIAL AMENITIES) OF PLANNING PERMISSION 00/0768 FOR REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT AND HARD PLAY AREAS AND RESIDENTIAL DEVELOPMENT IN RELATION TO THE AREA OF RESIDENTIAL DEVELOPMENT ONLY	A 25 June 2015
15/0977	PARTIAL DISCHARGE OF CONDITIONS 05 (REMEDATION STRATEGY TO SAFEGUARD THE AQUATIC ENVIRONMENT) AND 06 (REMEDATION TO SAFEGUARD RESIDENTIAL AMENITIES) OF PLANNING PERMISSION 00/0768 FOR REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT & HARD PLAY AREAS & RESIDENTIAL DEVELOPMENT (IN RELATION TO THE RESIDENTIAL	A 17 December 2015

	AREA ONLY AND AMENDMENT TO APPROVAL 15/0408)	
15/1231	NON MATERIAL AMENDMENT TO EARTH EMBANKMENTS TO EASTERN AND WESTERN BOUNDARIES GRANTED PERMISSION UNDER APPLICATION 13/1279.	AC 10 December 2015
16/1285	PARTIAL DISCHARGE OF CONDITION 7 (PHASING) OF PLANNING PERMISSION 13/1279 FOR THE DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 407/1	A 26 January 2017
17/0037	EIA SCOPING OPINION FOR THE CONSTRUCTION OF 195NO. RESIDENTIAL UNITS, ESTATE ROADS, PARKING, LANDSCAPING AND ASSOCIATED WORKS	EIA Development 13 February 2017
17/0041	PARTIAL DISCHARGE OF CONDITION 04 (CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN) OF PLANNING PERMISSION 13/1279 FOR DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 407/1 (RELATES TO PHASE 1 OF DEVELOPMENT ONLY).	A 09 March 2017
17/0082	DISCHARGE OF CONDITION 03 (REMEDICATION STRATEGY), PARTIAL DISCHARGE OF CONDITION 10 (REMEDICATION VERIFICATION REPORT) AND PARTIAL DISCHARGE OF CONDITION 20 (IMPORTED MATERIAL) OF PLANNING PERMISSION 13/1279 FOR CONSTRUCTION OF 251NO. DWELLINGS ON LAND SOUTH OF GLAN USK PRIMARY SCHOOL	A 16 March 2017
17/0113	PARTIAL DISCHARGE OF CONDITION 25 (DELIVERY PLAN) OF PLANNING PERMISSION 13/1279 FOR DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 407/1	A 06 April 2017
17/0138	PARTIAL DISCHARGE OF CONDITION 05 (OTTER MITIGATION) OF PLANNING PERMISSION 13/1279 FOR DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 407/1	A 13 April 2017
17/0183	PARTIAL DISCHARGE OF CONDITION 02 (DRAINAGE), 08 (ROADS/CYCLEWAYS/FOOTWAYS), 17 (HYDROCARBON REMOVAL) AND 23 (MATERIALS) OF PLANNING PERMISSION 13/1279 FOR DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 407/1 IN RELATION TO PART OF PHASE 1.	A 26 April 2017
17/0208	PARTIAL DISCHARGE OF CONDITIONS 16 (REEN WIDENING) AND 21 (STREET LIGHTING) OF PLANNING PERMISSION 13/1279 FOR THE DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 407/1	A 11 May 2017
17/0211	PARTIAL DISCHARGE OF CONDITIONS 6 (LANDSCAPING) 9 (ECOLOGICAL MANAGEMENT SCHEME) AND 27 (CYCLE PARKING AND BIN STORE) OF PLANNING PERMISSION 13/1279 FOR THE DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS,	A 04 May 2017

	VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 407/1	
17/0223	PARTIAL DISCHARGE OF CONDITIONS 14 (NOISE ATTENUATION FENCING) AND 24 (BOUNDARY TREATMENTS) OF PLANNING PERMISSION 13/1279 FOR THE DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 407/1	A 15 June 2017
17/0453	PARTIAL DISCHARGE OF CONDITION 6 (LANDSCAPING SCHEME), CONDITION 22 (LANDSCAPING MANAGEMENT) AND 23 (MATERIALS) OF PLANNING PERMISSION 13/1279 FOR DEVELOPMENT OF 251NO. DWELLINGS AND ASSOCIATED WORKS IN RELATION TO PHASE 1 ONLY.	A 22 June 2017
17/0569	PARTIAL DISCHARGE OF CONDITION 29 (PILING) OF PLANNING PERMISSION 13/1279 FOR DEVELOPMENT OF 251NO. DWELLINGS AND ASSOCIATED WORKS	A 13 July 2017
17/0744	NON MATERIAL AMENDMENT TO 13/1279 TO INCREASE FOOTPRINT OF BUILDING BY 0.3M IN WIDTH AND 0.15M IN DEPTH	AC 24 August 2017
17/0970	PARTIAL DISCHARGE OF CONDITIONS 16 (REEN WIDENING WORKS) AND 24 (BOUNDARY TREATMENTS AROUND THE REEN) OF PLANNING PERMISSION 13/1279 FOR DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS	A 15 December 2017

### 3. POLICY CONTEXT

3.1 LDP policies of particular relevance to determination of this application include:

- SP1 - Sustainability
- SP3 – Flood Risk
- SP8 – Special Landscape Areas
- SP9 – Conservation of the Natural, Historic and Built Environment
- SP10 – House Building Requirement
- SP13 – Planning Obligations
- SP18 - Urban Regeneration
- H3 – Housing Mix and Density
- H4 – Affordable Housing – Newport East Sub Market Area of 20%
- GP1- Climate Change
- GP3 – Service Infrastructure
- GP2 – General Amenity
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- GP7 – Environmental Protection and Public Health
- CE1 – Routeways, Corridors & Gateways
- CE2 – Waterfront Development
- CE3 – Environmental Spaces & Corridors
- H1 – Housing Sites
- H2 – Housing Standards
- H3 – Housing Mix & Density
- H4 – Affordable Housing
- T3 – Road hierarchy
- T4 – Parking
- T5 – Walking & Cycling
- T6 – Public Rights of Way Improvement
- CF2 – Outdoor Playspace Requirement
- CF4 – Riverfront Access

#### Relevant Supplementary Planning Guidance

- Parking Standards

- New Dwellings
- Air Quality
- Playspace

#### 4. CONSULTATIONS

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

###### Sewerage

- 4.1.2 It can be confirmed that the foul flows only from the proposed development can be accommodated within the public sewerage system. Having previously been in extensive dialogue with the developer & having been consulted formally as part of the 2d pre-planning application process for this development, we were able to advise that we were satisfied with the proposed method of surface water discharge from the development site of which will discharge to the local watercourse (based on drawing number 001 Revision D within the drainage strategy that has now been submitted with this application). We were also able to advise that the site is crossed by a number of large diameter sewers (as shown on the attached public sewer extract plan). We acknowledge the proposed layout drawing (drawing number: DCWW-01) shows these assets and that the developer has taken into account the required easement zones of each sewer.
- 4.1.3 It was also advised that the existing easement shown on drawing 002 FW Revision C is encroached upon by plot 46. We note a Piling Strategy has been submitted with this application and it has been agreed with the developer that this is to be submitted within the future Section 104 agreement and will be assessed at this stage. We note the developer has acknowledged this in section 11.97 of Chapter 11: Drainage within the submitted Environmental Statement.
- 4.1.4 If you are minded to grant Planning Consent for the above development that the Conditions and **Advisory Notes** listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

**Conditions** *No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details as shown on drawing numbers: 001 Rev D; 002 FW Rev C; S104 Rev E; 520; 521 & 522. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.*

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

###### Sewage Treatment

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

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

- 4.2.1 We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified, and we would not object provided you attach them to the planning permission. The suggested conditions relate to:

*Condition 1: Flood Risk*

*Condition 2: European Protected Species (EPS)*

*Condition 3: River Usk, Special Area of Conservation*

*Conditions 4-7: Land Contamination*

###### Flood Risk

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

Advice on Table A1.14 of TAN15

- 4.2.4 Based on a proposed finished floor levels of 9.95m AOD in the southern area of the development and 10.40m AOD in the northern area of the development the site will remain flood free during the predicted 0.5% plus CCA event and is therefore designed to meet A1.14 criteria. We therefore advise a condition to set the finished floor levels is included on any permission your Authority is minded to grant.

*Condition 1: The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequence Assessment (FCA) produced by Waterman, Reference WIE12961-101-R-1-5-1-FCA dated 26th March 2018, and the following mitigation measures detailed within the FCA:*

- *Finished Floor Levels are set to 10.40 metres Above Ordnance Datum (mAOD) and 9.95 mAOD within the northern and southern areas of the development respectively.*

Advice on A1.15

- 4.2.5 During the 0.1% plus CCA the site is predicted to flood to 10.8m AOD and a depth of approximately 620mm. Further to this we note the following:
- The maximum rate of rise is 0.15 m/hr (>0.1 m/hr)
  - Maximum speed of inundation is 15 hours (<4 hours)
  - Maximum velocity of flooding is 1.5, mainly 0.2 metres/sec (>0.15 metres/sec)
- 4.2.6 Aside from speed of inundation, the above values exceed the tolerable limits of A1.15 criteria of TAN 15. However, we note these are based on 'Version 3' model outputs. These figures are more conservative compared to 'Version 6' (current NRW model). Based on the current model the site is predicted to flood to a depth of 9.8m AOD. Based on the proposed finished floor level, the site is predicted to be flood free during the 0.1% plus CCA event. The FCA states that an evacuation route is proposed for pedestrians via the north of the site through the underpass beneath the railway embankment leading to Charnwood Road. Emergency access will be through Glan Usk School to Bank Street.
- 4.2.7 As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on the acceptability of the developer's proposals, on matters we cannot advise you on such as emergency plans, procedures and measures to address structural damage that may result from flooding. We refer you to the above information and the FCA to aid these considerations. Please note, we do not normally comment on or approve the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Flood Risk Activity Permit

- 4.2.8 Please note the applicant will require a Flood Risk Activity Permit (FRAP) from Natural Resources Wales. Further information on the FRAP application process is available on our website: <https://naturalresources.wales/apply-for-a-permit/flood-risk-activities/?lang=en>

European Protected Species

- 4.2.9 We have reviewed the submitted otter survey report entitled 'Land at Herbert Road Newport Otter Mitigation Strategy', prepared by David Clements Ecology Ltd, dated March

2017 and 'Land at Herbert Road Newport, Wildlife Protection Plan and Environmental Management Plan' prepared by David Clements Ecology Ltd dated April 2017.

4.2.10 We note from the survey report that the application site was concluded as having limited potential for otter resting sites, however, the site is adjacent to a Special Area of Conservation with otters as a designating feature.

4.2.11 We note a series of mitigation measures are included under section 2.0 of the submitted ecology report. We therefore note there will not be a detriment to the maintenance of the favourable conservation status of the otters present, providing that the mitigation measures outlined are implemented. We therefore advise the following condition is attached to any permission your authority is minded to grant;

*Condition 2: The development permitted shall be carried out in accordance with the mitigation measures set out submitted 'Land at Herbert Road Newport Otter Mitigation Strategy', prepared by David Clements Ecology Ltd, dated March 2017.*

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

4.2.12 The application site is within close proximity of the River Usk SAC/SSSI. We note that the rare fish species present, Allis and Twaite Shad, which are a feature of the SAC, are especially sensitive to vibration. We therefore recommend the following condition to be included on any permission you are minded to grant;

*Condition 3: Any construction works of any type in the river channel or any works that result in vibration e.g. drilling, boring, piling or demolition works on or adjacent to the riverbank must be timed to avoid the migration period between March – June inclusive.*

We recommend that Newport City Council, as the competent authority, carry out an appropriate assessment of the proposal.

Land Contamination

4.2.13 In line with our comments provide at Statutory Pre-Application we advise the following conditions as previously secured under planning permission 13/1279 are included on any permission your authority is minded to grant.

*Condition 4: Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation for that part shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.*

**Reason:** *In order to demonstrate that the remediation criteria relating to controlled waters have been met. In order to (if necessary) secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.*

*Condition 5: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.*

**Reason:** *Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.*



*Condition 6: No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with any details that may be submitted.*

**Reason:** *The water environment is at risk and there is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.*

*Condition 7: Piling or any other foundation designs using penetrative methods below 1m in depth shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.*

**Reason:** *There is an increased potential for pollution of controlled waters from inappropriate methods of piling.*

#### 4.3 HEDDLU GWENT POLICE (DESIGNING OUT CRIME OFFICER)

4.3.1 I have no objections in principle, however I have some reservations concerning the design of the site in regards to the amount of parking courts, as these can become areas in which Anti-Social Behaviour can occur particularly if they are not well lit and overlooked. If they are unavoidable, they need to be overlooked by habitable rooms from the surrounding dwellings. Habitable rooms are classed as kitchens, dining rooms and living rooms. The parking areas will also need to be lit to adoptable street lighting standards. (BS 5489). I would also suggest in a change of road surface to distinguish between public and private areas, along with signage to indicate that it is for 'Residents only'.

4.3.2 Further to the above, I would suggest that the site is built to meet the standards found within Secured by Design's 'Homes 2016' Guide, ensuring a safe and sustainable development for the future. Points for consideration are listed below, however the list is not exhaustive, for further guidance please see [www.securedbydesign.com](http://www.securedbydesign.com):

- Windows and Doors should meet the security standard PAS 24:2016
- Lighting at the front and rear of dwellings should be dusk to dawn and not PIR
- Rear boundaries should be a minimum height of 1.8m close boarded fencing
- Front boundaries to be no higher than 1m in height not to obstruct surveillance
- Gates giving access to rear gardens should be as close to the front of the building line as possible

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

4.5 WESTERN POWER DISTRIBUTION: Advise of equipment in the area and safe working practices.

#### 5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF REGNERATION, INVESTMENT & HOUSING (PLANNING POLICY):

5.1.1 The site is a housing allocation within the Local Development Plan (H1(5)) for 153 units. The site also has an extant planning permission for 251 units, of which 20 flats are currently under construction. The proposal is to reduce the remaining part of the scheme (231 units) to 206 units; a loss of 25 units from the extant permission but still an increase from the LDP allocation. The principle of residential development is therefore well established and the progression of site towards completion is welcomed.

The following comments are concerned with amendments to the proposal and any policy implications:

##### **Density**

5.1.2 A density of 43 dwelling per hectare is proposed for the entire scheme. This is consistent with recommended density proposed for in Policy H3 of the LDP.

### **Affordable Housing**

- 5.1.3 An affordable housing contribution of 15% was agreed as part of the previous planning permission. This planning application also proposes to provide 15% (31 units) affordable units. The level of affordable housing proposed does not meet the policy requirement of 20% (41 units) and there is no information submitted which informs the reduction in terms of viability impacts. The views of the Housing Manager and Planning Obligations Manager should be sought on this matter.
- 5.1.4 The application site now covers a smaller area than the extant permission but it must be noted that the affordable housing in total for the 227 units is 26%, which is greater than the policy requirement of 20% and is therefore welcomed. This is in line with paragraph 4.8 of the affordable housing SPG, which states 'Where sites are sub-divided, the Council will seek to secure an appropriate amount of affordable housing, as if the whole site were to be developed. Where a site is adjacent and related to a previously developed site, subsequent developers will be expected to make provision to reflect the numbers on the combined parts of the site.'

### **Air Quality**

- 5.1.5 The site is located within an Air Quality Planning Buffer for the Air Quality Management Area (AQMA) at Caerleon Road. The air quality buffer zone is set out in the Air Quality Supplementary Planning Guidance (adopted 2018) and requires applicants to consider their impact on air quality from their development and mitigate where an impact is found. A response from the scientific officer of the Council will provide detailed comments concerning this constraint.

### **Conclusion**

- 5.1.6 Progress on the site is supported and the principle of residential development is well established on this site and is in accordance with the LDP strategy and site specific allocation. Whilst the provision of 15% affordable housing was previously agreed information as to why the reduction from the policy requirement is sought. In addition the impact from the development on air quality matters should also be satisfied before the application can be supported.
- 5.2 HEAD OF REGENERATION, INVESTMENT & HOUSING (HOUSING MANAGER): The applicant is a housing association registered with Welsh Government and a partner of the City Council for the delivery of affordable housing. The proposal is to provide 60 affordable housing units which is considerably in excess of the previous land owners proposal. The properties will completely meet Welsh Government standards and will be advertised and allocated through the Common Housing Registered. Properties are of varying types and sizes and address the prevailing housing need including the provision of a small block of apartments for applicants over 55. The affordable housing units are appropriately distributed throughout the site and ensure the provision of a mixed and balanced community. The Housing Department therefore fully supports the application.
- 5.3 HEAD OF STREETSCENE & CITY SERVICES (HIGHWAYS)
- 5.3.1 I have reviewed the revised submission for application 18/0293. A number of highway issues have been addressed however I still have some concerns regarding highway safety and the provision of parking, please see the following comments.
- i. Visibility splays have now been shown at 2.4x25m, given the extent of forward visibility 85th percentile vehicle speeds will be in excess of 20mph, therefore splays do not conform to manual for streets which is detrimental to highway safety. Either splays would need to be increased or measures put in place to reduce vehicle speeds.
  - ii. It has not been demonstrated that refuse vehicles can pass a large car, it is accepted that some lane overrunning may occur at junctions where vehicles anticipate stopping, however a car and refuse vehicle should be able to pass on bends. Inability to do this risks collision, overrunning of footways or reversing manoeuvres on the highway to the detriment of highway safety.

- iii. I retain my previous comments regarding the pedestrian links provided at the North Eastern and North Western end of the site linking to the adopted footway, these should not be gated, unobstructed pedestrian links should be provided.
- iv. The majority of shared drive access points have now been updated to 4.5m with the exception of the plots 138-143, this now has a 3.5m entrance. It would need to be 4.5m to allow passing for 2 vehicles.
- v. Entrances to undercroft parking areas, although increased, are still only 4.0m in width, this is inadequate to accommodate 2 way vehicle passing, particularly given the adjacent walls reducing the effective width. This leads to the risk of vehicles reversing across the footway to the detriment of highway safety.
- vi. Considering the limited space to manoeuvre I would question whether vehicles can access and egress the undercroft parking for plots 51, 53, 122, 124, 174-175 and 187-188 in a forward gear. This should be demonstrated with vehicle tracking.
- vii. The shared drives to plots 127-132 are 4.5m for the full length, in accordance with the parking standards vehicles require 6m of space to undertake reversing manoeuvres. It is therefore a concern that vehicles would reverse over the adjacent footway to the detriment of pedestrian safety. In addition the footpath would need to be protected from indiscriminate parking. The footway should be continuous for pedestrian movements.
- viii. Parking for Plots 49, 126, 176, 183, 184, 189, 192 is divorced from the properties with no direct access from the property to the parking spaces, this is likely to lead to parking on the highway reducing capacity for visitor parking and inhibiting the free flow of traffic.
- ix. Parking spaces in front of garages for plots 173, 176 do not conform to the SPG parking standards. Spaces should be 5.5m where abutting a structure.

5.3.2 I would reiterate comment formerly made regarding conditions and s106 obligations.

**Conditions**

1. *It should be conditioned for full engineering details for the roads including details of widths, gradients, long sections, construction details and specifications, drainage and street lighting must be submitted for approval. The roads must be constructed in accordance with the approved drawings.*

**S106 Obligations**

2. *It is considered that the impact on the existing Highways Network of proposed application 18/0293 is commensurate with that of approved application 13/1279. Therefore I would seek to retain the Highways obligations imposed in the s106 agreement that was put in place as a result of application 13/1279.*

5.4 HEAD OF STREETSCENE & CITY SERVICES (DRAINAGE): Upon review of application 18/0293, a full drainage design needs to be provided to demonstrate how surface water is to be managed for the site. The application advises that surface water is to be managed by using SUDS, soakaway and discharge to watercourse. In order to comment further, I need sight of such information.

5.5 HEAD OF STREETSCENE & CITY SERVICES (LANDSCAPING)

5.5.1 Boundaries to the east are defined by gabions or earth bank retaining walls, generally these are 2.5m high structures topped by a 1.8m fence. Where these are within rear gardens no planting is proposed (see extract below), where these are visible to the public realm planting is proposed but often this is mass planting of low evergreen shrubs such as *Lonicera nitida* or *Prunus Otto Luyken* (refer plans LA4 and LA6). The development density has presumably resulted in the need for retaining structures. I feel the planting plan should address the visual impact of these retaining structures and also identify any opportunities to provide a Green Infrastructure route along the site boundary.

- 5.5.2 I have read through the LVIA which provides mitigation recommendations at a strategic level. However as there is no green infrastructure strategy, the level of detail jumps from the LVIA to a detailed planting plan. A green infrastructure strategy with zoning of the site linked to objectives would help with future maintenance and management.
- 5.5.3 A maintenance and management plan is required, of particular interest is the River Usk frontage, Lottery's Reen, and the sites relationship with adjacent land uses. The planting mixes contain a high proportion of amenity grasses which will have a high M&M requirement in order to maintain their form.
- 5.5.4 The tree size for multi-stemmed *Betula pendula* along the west frontage should be increased from the current proposed pot size of 70L. There are no other trees along the frontage, these will be the only significant green vertical elements to break up the building elevations. The Streetscene elevation is misleading, showing single stem trees at 10m+ height. In order to provide instant impact, trees of at least 100L and ideally 150L should be specified (especially as these are multi-stemmed).
- 5.5.5 It is not clear what the proposals are for Lottery Reen. The LVIA refers to a TDA Plan for Lottery Reen ref TDA 2283.01 but I can't see this in the submitted information on-line.
- 5.5.6 The hedge bank has already been implemented along the River Usk. The M&M Plan should incorporate this feature. It is not clear how views for pedestrians of the Usk will be conserved. In addition the photos below show that the 'soil' contains a high proportion of brick and other waste and water is ponding.
- 5.5.7 Although outside the site, it is not clear how the surfaced riverside path continues north between the river and school. This is an important missing walking/cycling link to access recreation amenities – will this remain as grass or are there proposals for surfacing?

## 5.6 PUBLIC PROTECTION MANAGER (NOISE):

- 5.6.1 I refer to the above application passed to Noise & Neighbourhood Team for comment. I note that the following noise mitigation information is provided:
- Drawing titled 'Herbert Rd Retaining Walls' Rev A dated 7/3/17 showing proposed embankment / gabions with acoustic fence above
  - Acoustic fencing data sheet PCD12
- 5.6.2 In addition I am pleased to note that the ENVIRONMENTAL STATEMENT non tech summary provides in 12.3 '*During the detailed design phase of the project, a more detailed assessment will be undertaken*'.
- 5.6.3 However I do not necessarily agree with 12.5 of the report which provides '*through appropriate use of a physical barrier between Crawford Industrial Estate and the residential areas that there would be insignificant effects arising from noise upon the residential areas of the proposed Development*'. The Waterman Assessment of Environmental Noise November 2013 report submitted with the earlier application for residential development (13/1279) provided Indicative Required Façade Attenuation Levels including to the southern boundary adjacent to the industrial area.
- 5.6.4 I therefore advise that I do not object to this application but recommend that any grant of permission is subject to the following condition:

*Prior to the development commencing noise mitigation measures to the proposed residential facades adjacent to the railway line and industrial areas, having regard to appropriate standards and guidance such as BS8233:2014, BS4142:2014 and Planning Guidance Wales – Technical Advice Note 11, to be submitted to and approved in writing by the Planning Authority. No dwelling shall be occupied until the mitigation measures have been installed to that property in accordance with the approved details.*

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

## 5.7 PUBLIC PROTECTION MANAGER (SCIENTIFIC OFFICER)

### Air Quality

- 5.7.1 The air quality report provided to justify this application has short comings (for example the model is on the upper limit of acceptable verification (25%) as outlined in the Technical Guidance TG16). However, I am aware this application is similar in size and scale to what has already been permitted for the site. Therefore in this situation and in line with Newport's Supplementary Planning Guidance for air quality it is reasonable to compare the current permission to what is proposed. Under this approach there is little reason to refuse the application on air quality grounds.
- 5.7.2 To support the transition to low / zero emission vehicles, I recommend the permission is conditioned requiring at least one electric vehicle charging point per residential unit is provided within the development.

### Contaminated Land

- 5.7.3 The historic land use of the site may have introduced contamination to the underlying soils. A significant amount of investigation and remediation works has already been undertaken at the site. However to ensure that this is adequately dealt with and documented through the planning process, I recommend the full contaminated land conditions are implemented.

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

*A) Following the remediation strategy submitted with this application, a Completion/Verification Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.*

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

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

- 5.8 EDUCATION (BUSINESS DEVELOPMENT OFFICER): We request that the full S106 calculation sum be sought for primary and secondary education provision in respect of this development. Both the neighbouring Glan Usk and 'in-cluster' St. Julians Primary Schools are forecast to be at capacity by January 2022.

We ask that no school be named in any wording of the S106 agreement to allow the Education Service some flexibility in deciding how best to apply any funds received. The reason for this is that Glan Usk Primary School was provided under a PFI initiative and any additional works undertaken at that site are likely to be legally complicated and costly to the Authority. As such we will require the freedom to consider alternative options.

- 5.9 HEAD OF STREETSCENE & CITY SERVICES (ECOLOGY): I welcome the submission of the otter mitigation. I do not object to the application as all potential ecological impacts appeared to have been addressed in previous applications.

Could I seek clarification however as to the bund that is running along the top of the river bank. What materials are being used to build this? Also, what species are proposed to be planted on this?

The CEMP will need to be conditioned.

5.10 HEAD OF STREETSCENE & CITY SERVICES (WASTE MANAGER): Looking at the plans for the bin stores for the flats, those on the Riverside look inadequate in size. The other blocks with 6 residents seem fine, but the larger blocks don't. Bin vehicles will not access any private roads and all refuse collection arrangements should be immediately accessible from the adopted highway.

5.11 HEAD OF STREETSCENE & CITY SERVICES (RIGHTS OF WAY):

5.11.1 In the Design and Access Statement it states;

*"There are no public rights of way within the site; however a designated footpath is located alongside the western boundary of the site. A diversion order to move the PRW slightly westwards to allow for a wider vehicular access route into the site was confirmed in December 2017."*

5.11.2 As described, the public footpath (407/1) was diverted in December 2017. Contrary to the above, the footpath was moved Eastwards rather than Westwards and this was to allow the construction of an embankment/bund which now lies on the original line of the footpath.

5.11.3 The correct lines of the original and diverted footpaths are shown in the Site Layout plan. This diverted footpath appears to fall within the site boundary and so the following points should be noted;

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

## **6. REPRESENTATIONS**

6.1 NEIGHBOURS:

All properties within 100m of the application site were consulted (107 properties), 3No. site notices were displayed and a press notice published in the South Wales Argus. One comment was received making the following points:

*We are extremely concerned that the only entrance and exit to the site, now and in future, will be onto Courtney Street, affecting directly our property (16 Courtney Street). Not only will it affect noise levels but also congestion by our street and the already busy access points into the area by Turner Street and (the traffic light controlled access) on East Usk Road.*

*Initially, we were told that the site entrance and exit would operate as a one way system being that the entrance would be either Courtney Street or Herbert Road and the exit vice versa. Making the flow of traffic a lot more bearable for the area.*

*We believe that the area could not withstand the traffic which will increase dramatically as a result of the new residential buildings.*

## **7. ASSESSMENT**

7.1.1 The key issues that arise under this determination are:

- Design & Layout of the proposed buildings
- Parking provision
- Suitability of the road layout
- Amenity of occupiers
  - Internal space standards
  - Private garden areas balconies

- Public open space
- Affordable housing provision and other S106 contributions
- Air Quality (Caerleon Road)
- Appropriate Assessment (River Usk SAC)
- Flooding
- River Usk Special Landscape Area (SLA)

Minor Issues are:

- Surface water drainage arrangements
- Ground Contamination
- Boundary Treatments
- Ecological mitigation

7.1.2 It should be remembered that the site has an approval for the construction of 251No. dwellings and that this permission has been implemented in part. This represents a strong fallback position for the applicant who could implement the approved scheme subject to compliance with the conditional regime and the associated S106 legal agreement.

## 7.2 Design & Layout of the Proposed Buildings

7.2.1 The application site includes a large area of land immediately south of Glan Usk School with a narrower tail stretching along the river front linking the main part of the site to Courtney Street. The proposed access road runs along the river front (the tail) before turning into the larger part of the site. Thereafter three 'loop roads' are provided which will provide access to the proposed housing units. In effect a series of 3 storey flatted blocks are proposed along the riverfront and the northern edge of the site with a mixture of smaller flatted blocks and houses proposed for the parts of the site set back from the riverfront and the northern edge. The loops roads provide a basis for a series of 'perimeter blocks' that face onto the roads. Parking courts are provided for the flats with parking for the houses either being on Plot or set in front of the relevant dwellings. The perimeter blocks provide prominent corners which are effectively turned by bespoke units. The larger northern section of the site is bisected by Lottery's Reen which will be enlarged to provide a surface water attenuation area.

7.2.2 Proposed house designs are traditional in proportion with vertically emphasised windows, bays & gables, simple design embellishments such as canopies and the use of render panels and the use of a simple pallet of materials in limited colours. The proposed flats follow a similar motif using similar materials and design embellishments. Flats will have access to private balconies. The scale, design and appearance of the buildings as proposed is considered acceptable and compliant with Policy GP6 (Quality of Design).

## 7.3 Parking Provision & Security of Parking Courts

7.3.1 Parking does not meet the adopted 'Parking' SPG standard which requires 1 parking space per bedroom up to a maximum of three spaces per dwelling and 1 visitor space per 5 dwellings. No unit has a deficiency of more than one space and all units have at least one space. The deficiencies lie with certain of the three bedroom units and some of the two bedroom flats which are 1 space short of the required parking standard. The total requirement on the site would be:

	No. of Units	Required spaces	Provided spaces	Deficiency	Provision as Percentage of Requirement	Requirement with sustainability reduction applied
18/0293	195	416	339	77	81	249
13/1279	248	583	348	235	60	348
	Visitors					
18/0293	195	39	15	24	38	39
13/1279	248	50	0	50	0	50

- 7.3.2 Under application 13/1279 the applicant provided a sustainability assessment (Transport Assessment 2013) for the site. The sustainability credentials of the site have not materially altered since 2013 with local facilities remaining unaltered and the proposed accesses remaining available to future residents. At that time it was concluded that the site was sufficiently sustainable to justify a reduction of 1 parking space per unit whilst retaining a minimum provision of 1 space per unit in the case of the single bedroom units. On that basis under this submission and bearing in mind the fallback position the level of parking provided is acceptable in terms of amount. The table above shows that the level of provision in this submission is an improvement over that granted under permission 13/1279. This scheme offers some betterment in terms of overall parking levels when compared to the approved scheme.
- 7.3.3 The parking is to be provided in courts, on plot and to the front of certain dwellings within the scheme. The courts are at some distance from certain of the dwellings, but none are sufficiently far away to be considered unacceptable in amenity terms. The maximum walking distance would be 50m from a dwelling to its parking space and this would only impact on a small number of units with the overwhelming majority being immediately adjacent or a short walk away. In term of visitor parking the previous scheme provided no allocated spaces but did give opportunities for parking in the highway. This scheme will provide visitor bays some of which are on-street and some of which are in the parking courts. There will also be opportunities to park in the highway on this scheme. Visitor parking is considered adequate and an improvement over permission 13/1279 since the demand is reduced under this scheme and there is limited identified provision as well as informal parking opportunities within the scheme.
- 7.3.4 Heddlu Gwent Police note the provision of parking courts and raise some concerns as these can be isolated areas that provide opportunities for crime and anti-social behaviour. In this case rear parking courts are limited in extent but where they are present the layout of the flats set above the underpasses allows for overlooking. The submitted drawings show the courts as finished in tarmac. There is no information on boundary treatments within the courts and no planting appears to be proposed. As such there is a risk that these courts will appear as austere and unattractive spaces and as such it is appropriate to apply a condition seeking details of landscaping and boundaries proposed for these areas. It will also be necessary to ensure these areas are suitably lit via condition. It will be necessary to condition that parking is provided prior to occupation and retained thereafter. The proposed parking is acceptable and Policy T4 (Parking) of the adopted Newport Local Development Plan 2011-2026 (NLDP) is complied with.

#### 7.4 Suitability of the road and footway layouts

- 7.4.1 The proposed road layout consists of a riverfront access road from Courtney Street into the site and then a series of loop roads around the site. The applicant has track tested the layout for a bin wagon and has shown that this vehicle can navigate the road layout and is able to turn in the turning heads that have been provided. There is some risk of conflict on some of the bends where the tracking plan shows the wagon as crossing the centre line. However the radii as shown are typical of modern estate layouts and the risk of vehicle conflict is limited and acceptable. The applicant has demonstrated suitable visibility splays within the highways for the relevant junctions.
- 7.4.2 In terms of construction materials for the roads the materials identified are: tarmacadam, block paving, granite setts to act as rumble strips adjacent to raised beds and concrete slabs in hard surfaced areas adjacent to dwellings (paths and patios). The proposed materials are considered acceptable.
- 7.4.3 Received highway comments note the narrowness of some of the underpasses serving the limited number of parking courts. These are 4.0m wide which is narrower than the 4.5m minimum highways would expect to allow two way passage. The risk is that vehicles will need to reverse out of the underpass entrance onto the highway. Underpasses of this kind



have been accepted on other sites including the former Pirelli Site (Loftus Gardens) where similarly small parking courts were served by accesses that were slightly narrower at 3.8m wide. Given the largest court served by an underpass is for 6 vehicles it is concluded that the risk of conflict is acceptably low and given the lack of evidence from other sites that the underpasses are unacceptably problematic it is concluded that the underpasses are marginally acceptable.

- 7.4.4 The Head of Streetscene also queried some of the footpath widths on the site since these fall below the 2.0m wide preference. Since commenting the site has been re-planned and now the footways meet the 2.0m minimum. Tactile paving is shown as being in place at likely crossing points.
- 7.4.5 The Head of Streetscene has criticised the visibility splays available at some of the junctions as being too short. However within the suburban context visibility of minimally 25m at some junctions but realistically further in most cases is seen as sufficient to allow safe egress from side roads. The Department for Transport gives a typical stopping distance for a vehicle at 30mph to be 23m. Although vehicles may exceed 30mph in such suburban roads this would be atypical and the proposed visibilities are seen as acceptable within the context of the proposed development.
- 7.4.6 Further concerns were raised in relation to the geometry of some of the corners proposed in the road network. Tracking drawings show that a bin wagon would need to cross the centre line to negotiate some of the bends within the estate roads and this would cause conflict with on-coming vehicles. However the bends are not blind and sufficient visibility is available for vehicles to be aware of each other before entering the bend which gives vehicles an opportunity to stop to allow on-coming vehicles to pass. Additionally the estate is essentially a large cul de sac and the overwhelming bulk of traffic will be from local residents who will be aware of the bin collection schedule and will make allowances for the vehicle when it is on its rounds. There is residual risk from other larger vehicles visiting the site but this is not seen as significant. The geometry of the bends is not ideal and as such Policy GP4iv (suitable and safe access arrangements) is not fully complied with. This counts against the proposal but the concerns are mitigated as described above and officers judge that little weight attaches to this objection.
- 7.4.7 Further concerns are raised in relation to the accessibility of 9no. of the parking spaces provided in parking courts. These courts are undeniably 'tight' and it is likely that vehicles will need to perform several manoeuvres in order to leave in a forward gear. However the space provided at the rear of the relevant parking spaces is 6m which is the minimum to allow manoeuvring. It is likely that turns will take several manoeuvres to complete but the courts do not appear to be so tight as to be unacceptable, turns may be complex and time consuming but they are not impossible.
- 7.4.8 The Head of Streetscene notes that pedestrian accesses shown as gated in the submitted plans that link the site to the local footway network should be open and available. This can be secured under condition and is necessary to ensure the site remains fully accessible to pedestrians. It would not be desirable to restrict permeability of the site. There are no obvious reasons such as security concerns that would justify these links being closed off.
- 7.4.5 In terms of providing suitable access and appropriate levels of highway safety the proposed layout is considered to be marginally acceptable and compliant with Policy T3 (Road Hierarchy) and GP4 (Highways & Accessibility) other than in relation to the tracking of larger vehicles where crossing the centre line will be necessary on some bends. However as noted this is considered to be a slight harm that is mitigated by the extent of forward visibility at the bends.

## 7.5 Amenity of occupiers

- 7.5.1 The required internal space standards for new flats are set out in the 'New Dwellings' SPG this being 50 square metres of gross internal floor space for a new 1 bedroomed flat and 65 square metres for a new two bedroomed flat. These differ from the Welsh Government's

DQR standards where the required floor spaces for a shared access flat is 46 square metres and 59 square metres respectively. Most of the flats on this site will be shared access i.e. having a common stairwell.

#### 7.5.2 On this site the following flats are proposed:

Type	No.	Internal Floor Area m <sup>2</sup>	Balcony m <sup>2</sup>	Total usable floor area m <sup>2</sup>	DQR requirement	SPG requirement
G 3P2B (FOG)	2	67	0	67	59 (met)	65 (met)
H 3P2B (FOG)	5	71	0	71	59 (met)	65 (met)
I 2P1B (FOG)	2	45	0	45	46 (failed)	50 (failed)
J 2P1B (FOG)	2	38	0	38	46 (failed)	50 (failed)
K 2P1B Shared access	24	45	5.04	47	46 (met)	50 (failed)
L1 3P2B Shared access	54	54	5.04	59.04	59 (met)	65 (failed)
	89					

\*FOG units are not DQR compliant regardless of floor area.

7.5.3 The above table shows that 4 of the 89 flatted units proposed fail to meet the required Welsh National (DQR) standard for usable floor area. However all of the other flats do meet the standard. It should be noted the standard is not mandatory but the Council will not pay housing grant on any units that do not meet DQR i.e. affordable units must in effect meet DQR but market units do not have to. In terms of the Council's adopted 'New Dwellings' SPG most of the units fail to meet the standard and are therefore not Policy compliant. This policy failure weighs against the proposal. The FOG units that fail to meet the DQR floor areas are few in number (4) and in terms of the overall scheme for 195 dwellings this is not seen as unacceptable although it is of concern that the J type unit fails by a significant margin. The key concerns relate to the K and L1 units since there are 98 of these in total. However an analysis of the permitted scheme which also contained flatted elements showed that the majority of the approved flats also failed to meet the SPG floor area requirements and by a similar margin to the flatted units proposed in this scheme. Since that scheme has been implemented and constitutes a fallback position to which significant weight can be given then the failure to meet the specified SPG floor areas attracts little weight in the balancing process.

7.5.2 Although an overwhelming majority of the flats are deficient in terms of internal floor space most of the flats (excluding those set above garages) are equipped with a private balcony. The balconies provide private outdoor amenity space for future occupiers and meet the standards set out in the adopted 'New Dwellings' SPG. Of the 89 flats proposed 11 will not have balconies but this is not seen as sufficiently harmful as to warrant refusal. Flats are also required to provide areas of communal space for residents dependent on their occupancy levels. In this case the flatted blocks will have areas of enclosed communal space of varying scale associated with them. These areas contain open space and bike and bin stores. It is not clear that the SPG standard is met but the site is adjacent to the Riverfront walk which is accommodated and enhanced within the site and is a short walk from the Glebelands (north of the Motorway) which provides a large area of open space for public use. Overall it is concluded that the site will provide or will have access to suitable public open space in terms of its amount and quality. Policy SP12 (Community Facilities) is complied with since the riverfront walk is accommodated and enhanced within the development. Policy GP2v (amenity for future occupiers) is met since suitable amounts and types of open space are present within the site or can be found nearby.

7.5.3 The proposed dwellings all have private gardens to the rear. These vary in depth between 10m and 8m and are judged to offer sufficient outdoor amenity space for future occupiers. Window to window distances across rear gardens are 20-21m which is sufficient to protect privacy. Where corners are turned the gardens face onto blank elevations and are not

overlooked. Those blank elevations are sufficiently set back so as not to be overbearing on the adjacent garden areas. The private amenity space provided for the dwellings is satisfactory and compliant with Policy GP2 of the adopted Newport Local Development Plan 2001-2026 (NLDP).

7.5.4 The provision of the type and amount of public open space available to future residents is considered acceptable.

7.6 Affordable housing provision and other S106 contributions

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

<b>Service Area that requires planning obligation</b>	<b>Purpose of planning obligation</b>	<b>Planning obligation initially sought by Planning Authority</b>	<b>Summary Heads of Terms agreed by applicant(s)</b>	<b>Viability Issues?</b>
<i>Regeneration, Investment and Housing</i>	<i>to provide on site affordable housing</i>	<i>20% affordable housing units with Policy H4 of the adopted NLDP</i>  <i>Based 195 units within this site and the 20 market units build under permission 13/1279 immediately south of the site</i>	<i>As sought (43 units)</i>	<i>No</i>
<i>Education</i>	<i>To meet the additional educational demands created by the development</i>	<i>£354,530 for Glan Usk or St. Julian's Primary School</i>  <i>£260,224 for St. Julian's High School</i>	<i>As sought</i>	
<i>Leisure</i>	<i>To meet the additional demands for leisure facilities in the area created by the development</i>	<i>£122,000 to upgrade and maintain the equipped play areas at the Glebelands Recreation Ground or at the Turner Street Playground</i>	<i>As sought</i>	
<i>Highways</i>	<i>To revalidate the signalled junction in Clarence Place &amp; provide a Pelican Crossing on Caerleon Road and other off-site footway upgrades</i>	<i>To be provided under the S106 agreement signed under permission 13/1279</i>	<i>As sought</i>	

7.6.2 The applicant has agreed to the above terms which meet the Council's requirements under S106 of the Town & County Planning Act 1990 (as amended).

7.6.3 In terms of affordable housing the LDP Inspector concluded at Paragraph 5.12 of his report

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

As such the Policy requirements of the adopted NLDP in terms of affordable housing are entirely robust and justified and the applicant has provided no information to suggest the

affordable housing requirements should not be met in this case. In any event the applicant has agreed to provide the amount of affordable housing that is sought under the Policy.

- 7.6.4 The educational requirements are justified under NLDP Policy SP13 and are based on formulas that calculate the likely pupil generation from the development. Consideration is then given to the actual availability of places within the local catchment schools. In this case local capacity will be exceeded and the need for contributions is triggered.
- 7.6.5 In this case Leisure contributions are triggered due to the lack of 'equipped play space' within the locality whilst considering the likely population of the development and the demand it will exert for leisure facilities. There is no on-site provision for equipped play on this site but equipped facilities are located nearby at Turner Street and the Glebelands and contributions from this site can be used to maintain and enhance these facilities.
- 7.7 Air Quality (Caerleon Road)
- 7.7.1 One Air Quality Management Area (AQMA) exists on Caerleon Road. It extends from Clarence Place along Caerleon Road as far as Morden Road. There is another AQMA at the northern end of Denbigh Road adjacent to the west bound slip road of Junction 25 (M4 / Caerleon Road) which is capable of being affected by this proposal.
- 7.7.2 The adopted 'Air Quality' SPG (February 2018) follows from Policy GP7 (Public Health) of the adopted NLDP. The SPG identifies buffers around some of the designated AQMAs. The applications site falls into the buffer for the Caerleon Road AQMA. The Air Quality SPG requires the preparation of a simple Air Quality Assessment in this scenario where it is anticipated that there will be a significant increase in road traffic caused by the development.
- 7.7.3 The applicant has provided a Chapter on Air Quality (Chapter 14 of the Environmental Statement) which considers dust from construction, emissions from on-site machinery during construction and then the operational impacts of the scheme. Impacts on Caerleon Road were considered to be critical since the site itself is outside the designated AQMA.
- 7.7.4 In terms of dust the assessment concluded that the site was high risk in terms of dust soiling and human health (from dust) with lower risks to ecological issues from dust. The report concludes that without mitigation dust impacts could be substantially adverse for receptors within 10m of the site boundary but reducing with distance. However mitigation would reduce impacts and can be achieved via conditional controls within a Construction Management Plan. Emissions from onsite construction equipment and from delivery vehicles were considered to be negligible and would be limited in impact to the time construction was being undertaken.
- 7.7.5 In terms of the long term operational effect of the proposal the assessment concludes that should air quality improve by 2023 in line with Government expectation then the scheme will slightly increase Nitrogen Dioxide concentrations in the AQMA but not beyond relevant objectives. The report concludes impacts on nitrogen dioxide levels will be negligible. In terms of particulates the scheme is also modelled as not elevating pollution levels within the AQMA beyond the relevant targets.
- 7.7.6 In the interests of robustness the report also considers nitrogen levels if there is no improvement in overall air quality. It concludes that some receptors (5 of 18) will see a slight worsening if the development proceeds and one will see a moderate worsening. However only one of the receptors would fall below the annual mean objective sought and none would fall below the 1-hour mean objective. As such the worsening caused is seen as very slight and of limited weight. The report also notes the potential benefits in air quality that could accrue from the application of a Travel Plan condition which would seek to reduce reliance on the private motor car.

7.7.7 The Scientific Officer does not object to the development but notes that there are shortcomings in the submitted air quality report. He ultimately concludes that the existence of the fallback position for a larger scheme of 251 dwellings as opposed to 215 for this scheme in combination with the elements of the previous permission that have been built means that this proposal will not have a greater impact than what might be achieved under the extant permission. Planning Officers agree with this approach. The fallback position represents a larger scheme that would at least have an equal impact on local air quality as the proposed scheme and given the larger housing numbers under that scheme there is every chance the impact of the extant permission would have been even greater than the impact of the scheme currently sought. Overall it is accepted that the proposal will not have a greater impact on air quality than the extant scheme.

7.7.8 The air quality report demonstrates a slight harm to air quality in the AQMA but this appears to be marginal. However any exceedance within an area of poor air quality would be a matter of concern and a progressive worsening by small amounts would clearly be unwelcome. However the existence of a fallback position that would be worse than the current proposal is highly material and pushes this issue in favour of being granted notwithstanding concerns over even a marginal worsening of air quality with the Caerleon Road AQMA which is expected under the worst case scenario. This would be if there is no overall improvement in air quality in line with the expectations of national government.

## 7.8 Appropriate Assessment

7.8.1 The River Usk has been designated because the following species are special features to the River Usk:-

- Allis Shad;
- Twaite Shad;
- Bullhead;
- River Lamprey;
- Brook Lamprey;
- Sea Lamprey;
- Atlantic Salmon;
- Otter;
- Water Crowfoot.

7.8.2 The conservation objectives of the SAC are attached as an Appendix. The Usk is considered one of the best examples of a near natural river system in England and Wales. The range of plants and animals reflects a transition from nutrient poor to naturally rich. It was notified to protect a wide range of habitats and features. It also acts as an important wildlife corridor, an essential migration route and a key breeding area for nationally and internationally important species, including otter.

7.8.3 In previous consultation responses on this site CNC/NRW identified the following as key areas of concern:

### **Otter Features:**

7.8.4 Particular threats to the otter features of the River Usk posed by the development were identified as being:

- The design and location of the development
- Site clearance and Construction
- Site Operation, and
- The effectiveness of mitigation proposals

7.8.5 The proposed scheme is a residential development of flats and houses. The dwellings will be set back from the river front. The proposal envisages an access road along the river frontage, a two metre wide footway with a landscaped area between the footway and the top of the river bank including the creation of low bunds to deter access. These arrangements have been completed under permission 13/1279 and are currently in place. The bund has been completed and is landscaped and has been fenced off from a 2m wide

pedestrian footway which has been constructed. The original line of Public right of Way 407/1 has been formally diverted onto this new path and away from its former location along the top of the river bank.

- 7.8.6 It is considered that the design of the proposal would not have an unacceptable impact on the other feature of the River Usk since the proposed river front treatment has been implemented and provides a distinct buffer between the application site and the river which will act to minimise the possible impacts of the proposal on the other interest along the river bank. It appears that the riverfront access road and the riverfront footpath and bunding is being provided under permission 13/1279 and is subject to the controls applied to that permission. However the riverfront roadway is not completed and lies with the current application area and so it will be appropriate to apply conditions in relation to lighting to ensure there is no light spill to the sensitive river bank.
- 7.8.7 The site has been de-contaminated and raised for reasons of flood prevention. As such significant engineering works were required at the outset of the project. These works have been predominately completed with the site having been raised. Gabion retaining walls are in place around parts of the site and the site has been filled. However it is not clear if the final levels have been secured and whether further importation of material is required. The Flooding section of the Environmental Statement confirms the site will be dry in the 1 in 200 year flood allowing for climate change over the 100 year lifetime of the development if the site is raised to 10.4m AOD north of Lottery's ree and to 9.95m AOD south of Lottery's Reen.
- 7.8.8 The risks posed to the river would arise from:
- the mobilisation of sediment which could wash into the river,
  - run-off of / or the percolation of contaminated waters (derived from the ground contamination on the site) into the river,
  - the facilitation of the movement of contaminated waters vertically through the soil profile,
- 7.8.9 Proposed conditions seek the submission of a Construction Environmental Management Plan (CEMP) which will require details of the working methods to be employed on the site. Specific clauses refer to control of run-off which should ensure that waters which are polluted by either contamination or sediment do not enter the river. Another requirement of the CEMP relates to specific measure to be taken in the sensitive river front area to limit or prevent direct disturbance to the sensitive river bank environment.
- 7.8.10 Further conditions relate to the storage of fuels and hydrocarbons so that they are stored in such a manner that reduces the risk of contamination to ground and surface waters. Conditions put in place controls over any piling methodology reducing the risk of the mobilisation of contaminated waters through the soil profile.
- 7.8.11 De-contamination of the site has been partially undertaken. The proposed scheme is one of capping the contaminated ground using imported materials. The verification of the decontamination programme can be required under conditional controls. The chemical suitability of the imported materials was controlled under conditions attached to permission 13/1279. The efficacy of the decontamination programme can be secured under a suitable verification / contingency condition which can be applied to any permission granted.
- 7.8.12 Overall it is considered that the proposed conditional controls acceptably control the risk posed by the other interest of the River Usk during the construction phase of the development.

Risks from site operation to the other interest arise from:

- direct disturbance by people and dogs
- disturbance by lighting
- hydrocarbon contamination from motor vehicles

- 7.8.13 Proposed conditions will place controls over permanent street lighting which will ensure that the sensitive river bank environment remains unlit and that the chances of disturbance to otters is reduced. Proposed Conditions will require that surface water drainage from areas where hydro-carbons may be spilled from motor vehicles is cleansed of hydrocarbons. This will reduce the risks of contaminated run-off reaching the river.
- 7.8.14 In terms of otter mitigation the developer has installed a mitigation area north of the application site where an area has been enclosed by dog proof fencing and an artificial holt has been installed under the direction of a trained ecologist in May 2017. This was to mitigate for the loss of habitat within the main site area for the scheme approved under permission 13/1279. That application site incorporated this application site and so appropriate mitigation has been provided under the previously approved scheme and no further mitigation is required for this scheme.

### **Fish Features**

- 7.8.15 Risk to fish features of the River Usk would arise primarily from:
- contaminated run-off from the site entering the river (sediment load and chemical content)
  - direct effects upon the river from construction and operation of the site; noise, vibration & lighting.
- 7.8.16 Particular Risks will accrue at the following stages:
- The design and location of the development
  - Site clearance and Construction
  - Site Operation, and
  - The effectiveness of mitigation proposals
- It is not considered that the design and location of the development will have an adverse effect upon fish features of the river.
- 7.8.17 Site clearance and operation has the potential to release contaminants or sediment but the proposed CEMP condition in association with the proposed decontamination verification / contingency condition would control these risks.
- 7.8.18 Specific proposed conditions would protect the fish interest by preventing works that would interrupt the migration of shad. Works to widen Lottery's Reen and connect to the existing flap vane in the river bank have been carried out under permission 13/1279. This scheme will not have any further direct impacts on the river bank since it will utilise the works already implemented under permission 13/1279.
- 7.8.19 Site operation could adversely affect water quality. Proposed conditions requires run-off from areas where 'oil-drop' may be present to be cleansed of hydrocarbons. Other conditions require general control over foul and surface water drainage.
- 7.8.20 These conditions are considered adequate to prevent adverse impacts on the conservation interests of the river during the operational phase of the development.

### **Contamination**

- 7.8.21 The site is known to have been contaminated by previous uses. The applicant has provided a mitigation strategy for contamination under application 13/1279. Conditions required the agreed programme of decontamination to be implemented and subsequently verified and monitored. The overall strategy was one of capping with clean material which would also act to raise the site for the purposes of flood prevention. Permission 13/1279 allowed for the importation of approximately 9500 cubic metres of material to raise the site with another 5500 cubic metres required for surcharging the site. Conditions required this material to be chemically tested and suitable for the proposed residential end use. This requirement also protected the integrity of the River Usk and its conservation objectives. The Environmental Statement confirms at Chapter 9 (Ground Conditions) that remediation will not be completed until all phases of the development are finished and that works to

raise the land to finished levels is partially complete (Paragraph 9.4.3). The current Environmental statement also confirms that remediation will be complete with the importation of 600mm of clean capping material. As such the remediation remains incomplete and conditions requiring compliance with the mitigation strategy and appropriate decontamination verification and contingency will be necessary to prevent unacceptable risk to ecological interests in the River Usk SAC.

### **Water quality / Hydrology and Drainage**

7.8.22 Risks to water quality would arise from:

- Run-off contaminated with sediment or chemicals leached from polluted ground entering the river,
- Mobilisation of contaminated waters vertically through the soil profile,
- Groundwater movement of contaminated waters through the soil to the river.

7.8.23 Particular Risks will accrue at the following stages:

- The design and location of the development
- Site clearance and Construction
- Site Operation, and
- The effectiveness of mitigation proposals

7.8.24 The design and location of the proposal is not considered to pose any inherent risk to water quality over and above that posed by the existing unmitigated site. The provision of hard surfaces and the adequate treatment of run-off from these surfaces will reduce infiltration and potential risks to ground waters.

7.8.25 The proposed CEMP condition will protect the river during the construction phase reducing risks to the conservation interests of the River Usk. During the operational phase proposed conditions will deal with run-off requiring the removal of hydro-carbons as required and requiring a generalised control over foul and surface water run-off. The proposed conditions are considered adequate to prevent risk to the conservation interests of the river during the varying phases of the development.

#### **Overall consideration**

7.8.26 The concerns regarding the potential for impact on the River Usk SAC are impacts on the otter feature including via the design and location of development, site clearance and construction, disturbance during the operation phase and mitigation; impacts on fish features; contamination risks; impacts on water quality, hydrology and drainage.

7.8.27 Risks arise from the possible discharge of contaminated surface and groundwater water drainage with the potential resultant impacts on the fish and otter features of the SAC. There is the potential for significant effect on the migratory fish and otter features of the River Usk SAC. The specific concerns relate to: how surface water would be disposed of during construction and operation; how potential contamination of groundwater on the site will be addressed; and what measures will be in place to prevent potentially contaminated run-off entering the River Usk during both construction as a result of disturbance of ground contamination and operational phases of the development. It is therefore recommended that should planning permission be granted conditions are imposed to provide suitable protection.

7.8.28 The current and previous uses of the site raise the question of contamination. It is therefore recommended that conditions be imposed to ensure that the previously approved mitigation strategy is fully implemented and that the finished programme is verified as acceptably complete and subject to revision as required. This is to include the installation of gas membranes in the buildings.

7.8.29 In terms of foul drainage, Conditions require full details of provision so as to ensure there is sufficient capacity in the system thereby avoiding contamination of waters entering the River Usk SAC.



- 7.8.30 It is considered that with the imposition of suitable conditions to ensure that contamination of the River Usk SAC and SSSI is avoided and that remediation measures are implemented, there would be little likelihood of contaminated material entering the water system, and the proposal would not have a significant adverse effect on the River Usk SAC.
- 7.8.31 Other risks to the river front, particularly the otter feature are addressed via the proposed layout of the site, the proposed riverfront treatment and the provision of an otter mitigation area. The riverfront treatment and otter mitigation are already in place having been completed as part of works to implement elements of planning permission 13/1279.
- 7.8.32 In terms of in combination effects of the development other developments have taken place along the Usk river frontage in the vicinity of the site. The site to the north (the Glan Usk School Site) was granted permission under outline application 00/0768/O and then Reserved Matters application 03/153/RM. The outline permission contained a suite of contamination related conditions which were subsequently discharged for the school site under succeeding approvals. Approval 09/0591 vetted the certification for the remediation of the school site. As such the adjoining development site to the north has been decontaminated and the in-combination effects upon the SAC from the two adjacent sites would not be greater than the effects emanating from the application site alone. These effects are judged manageable under an appropriate conditional regime.
- 7.8.33 Redevelopment sites to the south of the application site, south of the Town Bridge (Newport Bridge) have been subject to appropriate assessment and the issues that have arisen on these sites reflect those on this site. Those sites were also subject to a suite of planning conditions to control risks to the bio-diversity interests of the River Usk. These sites are mostly completed and given conditional compliance the in-combination effects of those sites with this site would be negligible.
- 7.8.34 With the inclusion of appropriate conditions it is considered that any adverse effects on the River Usk SAC associated with the development can be satisfactorily avoided.

## 7.9 Surface water drainage arrangements

- 7.9.1 Under permission 13/1279 surface water in the main part of the site was to drain to the enlarged Lottery's Reen which would provide sufficient storage capacity to store run-off from the site and to accommodate in-flows from higher upstream during high tide conditions. When the tide dropped the enlarged reen would then drain to the river. This arrangement was considered acceptable at that time and remains acceptable in the context of this development. The enlarged reen is currently in place having been completed as part of Phase 1 of permission 13/1279. The submitted drawings show the surface water drains in the northern part of the site draining to the enlarged reen. However it is not clear how Plots 1-36 (flats along the riverfront) access will be drained in terms of surface water flows so a condition securing these details will be required. Other conditions can require the provision of drainage as shown. Surface water drainage arrangements are acceptable subject to controls over delivery and the need to prevent hydrocarbon pollution of surface waters including the River Usk SAC.

## 7.10 Ground Contamination

- 7.10.1 Permission 13/1279 was constrained by conditions relating to the remediation of ground contamination. The principal aim of these was secure a programme of decontamination, verification of the completion of that programme, controls over the chemical characteristics of imported materials and a condition relating to contingency in the event unexpected contamination was encountered. Additionally conditions to protect human health and the aquatic environment (River Usk) had been attached to earlier permissions on the site. The then landowner made several conditional discharge applications in relation to those earlier

permissions and in relation to 13/1279 to enable the site to be filled. Subsequent to the approval of these submissions material has been brought onto the site which has seen site levels raised as required to prevent flooding and containing soils on the site that had been contaminated by earlier uses.

- 7.10.2 The full decontamination programme required a final capping with 600mm of clean material in gardens and the installation of gas membranes within foundations. As such over the vast bulk of the site the decontamination process has not been completed but a clear methodology is in place to achieve an effective decontamination of the site. The Scientific Officer recommends conditions that require the implementation of the submitted remediation strategy, its verification and a contingency for any unforeseen contamination. The decontamination strategy is contained in the document '*Remediation Strategy: Proposed Residential Development Herbert Road, Newport*' (February 2014) which was approved under discharge of conditions application 17/0082. As such a directive condition requiring the completion of the decontamination as approved and its subsequent verification as successfully completed will be required to protect human health and the wider environment. An unforeseen contamination condition will also be required.

#### Boundary Treatments

- 7.11.1 The applicant has provided a site layout plan which shows a variety of boundary treatments. These include 1.8m close board fences to the rear of houses, rail fences in more public areas and some 1.8m brick walls in prominent locations. In general terms the proposed boundaries are appropriate but further details of the brick walls will be required since materials are not specified and in some areas it is not clear what the boundary will be; along the railway line for example. As such some additional details of boundaries will be required under condition.
- 7.11.2 1.8m high close board fences are shown at the rear of Plots 144-149 & 161-166 which are the flatted blocks adjacent to Glan Usk Primary School. This fence would be highly prominent to users of the footpath from Charnwood Road (via the underpass) to the school and the wider riverfront. This path is well used and as such this proposed boundary is not suitable in terms of visual amenity. An alternative boundary will be sought under condition.

#### 7.12 Noise

- 7.12.1 Elements of the site are close to the Crawford Street Trading Estate which contains a variety of uses including general B2 uses but the units in this location have been built under permission 13/1279 and are subject to conditions relating to noise imposed on that permission. In terms of this application proposed units face onto industrial land accessed off Herbert Road including the old J. S. Payne unit and an area consisting of hardstanding that was previously occupied by a factory unit. Also the northern part of the site back onto the Newport to Caerleon railway line and noise and vibration from passing trains can be anticipated.
- 7.12.2 The applicant undertook noise and vibration surveys and identified that the key noise sources were from transport axes, the railway and the M4 motorway to the north with additional contributions from nearby industrial sites and children playing at the Glan Usk School. Vibration was measured adjacent to the railway and was found to be insignificant.
- 7.12.3 Construction noise was found likely to have minor to substantial significance on nearby houses and will need to be mitigated via a Construction Management Plan.
- 7.12.4 In terms of the amenity of future residents it was found that the facades facing the railway would need appropriate glazing and the installation of trickle vents. The report is not clear

on the elements of the site that face into the industrial land around the former J.S. Payne unit or whether mechanical ventilation would be needed although it is assumed that it would in order to allow ventilation when the windows are shut. The model also assumes the installation of a 1.8m acoustic fence along the railway boundary. Paragraph 13.13.2 of the environmental Statement states that:

*'During the detailed design phase of the project, a more in-depth assessment will be undertaken and used to identify the detailed zoning of window types and attendant acoustic performance specifications in one octave band detail to ensure appropriate control of the frequency content of sound incident upon the different façades of the Development'.*

As such it is not clear in detail what glazing specification will be required in which facades but this can be dealt with under planning condition.

- 7.12.5 In terms of outdoor space noise levels below 55 LAeq,T and ideally less than 50 LAeq,T are sought. The modelling shows that most of the site will fall within the required limits but the area immediately adjacent to the railway will fall within a noise range of 55-60dB. The Environmental Statement offers no mitigation for these affected areas presumably because the noise reduction from a 1.8m acoustic fence is already factored into the assessment. However the railway noise is intermittent and a layout with residential garden abutting the railway boundary has already been approved (permission 13/1279). As such given the fallback position and the intermittent character of the noise issue the impact of noise on the rear gardens of these proposed dwellings is not considered to be sufficiently harmful as to justify a refusal of permission even though accepted standards will not be met in relation to these plots.
- 7.12.6 In terms of noise from the former J.S. Payne site, adjacent areas of hardstanding and the more distant Crawford Street Industrial Area, the noise assessment notes cutting and grinding noise from the Payne building and forklift noise in the associated outdoor storage area. The assessment concedes that noise from the Payne site, if it should commence night-time operations would be capable of exceeding both internal and external desirable noise recommendations. The proposed mitigation is suitable glazing to protect internal noise levels and the installation of 1.8m high acoustic fence on top of a 2.5m high retaining wall which is required to retain the material that has been used to raise / cap the site. With this mitigation in place appropriate noise attenuation would be achieved to protect both internal and external noise levels. Again it should be noted that the approved scheme has already agreed the location of dwellings and rear gardens along this boundary.
- 7.12.7 In conclusion subject appropriate mitigation the amenity of future residents can be sufficiently assured. This mitigation can be achieved under condition. Construction noise is capable of harmful impact on existing residents but this can be controlled under a suitable Construction Management Plan. Policy GP7 (Environmental Protection & Public Health) is complied with.
- 7.13 Flooding
- 7.13.1 The submitted Flood Consequences Assessment (March 2018).The site currently lies within Zones B (known to have flooded in the past) and C1 (defended floodplain) of the Welsh Government's Development Advice Maps. The chief flood risk arises from tidal flooding in the Usk but the submitted FCA also considers the risks that arise from flooding of Lottery's Reen.
- 7.13.2 The modelling over the 100 year lifetime of the development and allowing for climate change shows that maximum flood depth in a 1 in 200 year tidal food would be 9.9m AOD in the northern part of the site and 9.8m AOD in the southern part of the site. The proposal

is to set finished floor levels at 10.4m AOD in the north of the site and 9.95m AOD in the southern section. Cyfoeth Naturiol Cymru / Natural Resources Wales have no objection to this and suggest the levels are conditioned.

- 7.13.3 The FCA notes the site raising will slightly increase flood levels by 4cm in some locations to the north of the site, around the school. However the increase would not result in the school building flooding and as such the slight increase in flood levels is not seem as harmful and no significant offsite harms would result from the land raising process. Again it should be noted the site is required to be raised to 9.8m AOD under the extant permission so the filling of the site has been agreed in principle although to lower levels than are sought under this application.
- 7.13.4 The proposed land raising will leave the site flood free in for the 1 in 200 year tidal flood. In terms of the extreme 1 in 1000 year event flood the site is shown to flood beyond the tolerable levels outlined in Technical Advice Note A1.15 other than in terms of rate of inundation. However CNC/NRW comment that the applicant has used a more conservative flood model than the one they are currently using. Under the CNC/NRW model the site would be dry in the extreme event if the finished floor levels mentioned above are implemented. If the site is flood free in the extreme event then clearly the consequences of a flood event can be satisfactorily managed. However the applicant notes that even under the more conservative modelling they have used the maximum flood depth would be 20mm greater than allowed for in TAN15, with the rate of rise being 5cm per hour faster than allowed for. Velocities in parts of the site would significantly exceed the recommended limits within the TAN but for most of the site the exceedances would be slight. The applicant does note that speed of inundation would be much slower than allowed in the TAN with maximum flood depth being attained on the 3<sup>rd</sup> tidal cycle. As such residents would have significant time to react to increasing flood depths over successive tide cycles which significantly diminishes the risk levels they are exposed to.
- 7.13.5 In terms of evacuation routes the FCA confirms the main route out via Turner Street will flood beyond 600mm on the 3<sup>rd</sup> tidal cycle in the extreme (1 in 1000) event at the current time. However an emergency route will remain dry out to the north via Bank Street and Glan Usk Primary School at the current time. The pedestrian route via the railway underpass and Charnwood Street will also remain available. Again maximum depths will be on the third tidal cycle giving residents an opportunity to leave before maximum depths are reached. However the modelling shows that allowing for climate change the evacuation routes would flood beyond tolerable levels (more than 600mm) and would not realistically be available. As such the evacuation routes would not be available under all conditions over the lifetime of the development and therefore the proposal is not compliant with the Ministerial advice of 2014. CNC/NRW is clear that it is for the Local Planning Authority to assess if the risks that accrue from offsite flooding are sufficient to refuse planning permission. In this case the risk to the evacuation routes will increase over time since they would currently be dry under CNC/NRW's own modelling but flooding would progressively worsen over the lifetime of the development. Other issues such as rate of rise, rate of inundation and velocities are not provided in relation to the evacuation routes but the key issue is that the criteria specified in TAN15 will be exceeded in relation to depth during an extreme event within the lifetime of the development and so the evacuation routes must be assumed to be unavailable. The model shows the depth of flooding worsening during the tide cycles with the evacuation routes being flooded on the third tide cycle. As a tidal flood the event will be predictable and residents will have warning of the event as waters rise over the preceding two tide cycles. In the event people choose not to leave current modelling shows the site will be dry in the extreme event allowing for climate change over the lifetime of the development. In such a situation the applicant confirms people will be

contained on the site for one tide cycle whilst the tide drops and the evacuation routes become available. The period between high and low tide is 6 hours. As such people will be able to safely leave the site within hours of the peak of the tidal flooding.

7.13.6 In essence the key issue in relation to flooding is the unavailability of the evacuation routes in an extreme event allowing for climate change towards the end of the development's life (100 years). Given the site is predicted to be dry and the length of containment is for a maximum of 6 hours the harm to policy is considered slight and insufficient to warrant the refusal of permission. Additionally a scheme for a greater number of dwellings is extant on the site and can realistically be expected to be implemented in the event this application was refused. Indeed this permission has already been partially implemented. In the light of this the risk from flooding would be reduced should this application be approved since it is for a reduced scheme.

7.13.7 The FCA also assesses the risk of flooding from Lottery's Reen and concludes that risks are satisfactorily managed since the reen would be widened. The expanded reen would have sufficient capacity to intercept surface water from the development and up-stream flows during high tide conditions. As such the risk is satisfactorily managed.

7.13.8 As such when the risk of flooding are weighed against the benefits of the scheme and the fallback position is considered the scheme is acceptable in flooding terms despite the non-availability of the evacuation routes in an extreme event.

#### 7.14 Ecological mitigation

7.14.1 Otter mitigation has already been provided as part of Phase 1 of implemented planning permission 13/1279 and no further mitigation is required under this submission. Further mitigation to compensate for the loss of potential bird nesting habitat and to provide bat roosting opportunities is listed at Paragraph 8.8.1 of the Environmental Statement. This can be conditioned to be provided.

7.14.2 Subject to the additional ecological mitigation being conditioned to be provided the proposal is compliant with Policy GP5 (Natural Environment).

#### 7.15 Impact on the River Usk Special Landscape Area

7.15.1 The River Usk is a designated Special Landscape Area (SLA). This site is not within that SLA but is immediately adjacent to it. Policy SP8 requires that developments within SLAs are required to contribute positively to the area through high quality design, materials and management plans that show an appreciation of the area's special features.

7.15.2 The scheme positively addresses the river front with buildings facing onto the river. The scheme accommodates a riverfront path and landscaping which serve to enhance the riverfront corridor and separate the development and users of the riverfront footpath from the top of the river bank. This landscaped belt improves the visual amenity of this part of the riverfront whilst keeping people away from the ecologically sensitive riverbank. These are clear benefits of the development proposal. The riverfront building will be three storeys in height but are set back from the river bank and are considered to be of an acceptable design. In essence, in this urban location and given the current characteristics of the site, the proposal engages appropriately with the riverfront and overall it provides enhancement. As such Policies SP8 (SLAs) and CE2 (waterfront development) are considered to be complied with.

#### 7.15 Planning Balance

- 7.15.1 The principle weaknesses of the scheme relate to issues in the geometry of the road layout which would necessitate large vehicles to cross the centre line as they negotiate certain bends within the site. However as noted this is mitigated by the forward visibility available which means that vehicles will see one another before they are committed to the bend. Other issues raised in relation to the road layout are considered acceptable notwithstanding any limitations that have been identified in the layout. The second significant failing relates to the floor areas of the flatted units which for the most part do not meet the requirements of the Council's adopted 'New Dwellings' SPG. However as noted permission 13/1279 allows significant numbers of flatted units that also fall below this required standard again mitigating the harm to Policy.
- 7.15.2 The air quality assessment raises some concerns since should the air quality improvements anticipated in general terms fail to accrue then the development would lead to a worsening of air quality within the Caerleon Road Air Quality Management Area. This worsening is interpreted as being 'negligible' by the applicant but officers are of the view that any worsening within a designated AQMA is capable of being significant particularly given that the applicant's own modelling shows some receptors being exposed to 'moderate' worsening in terms of Nitrogen Dioxide concentrations should no general improvement arise. However this concern is mitigated by the applicant's fallback position which would allow a development of 251no. dwellings to proceed. In this instance, this scheme in combination with the partial implementation of permission 13/1279 would see 215no. dwellings provided. In the round it is accepted that the approved scheme would have a greater impact on air quality than this proposal and the approved scheme would in all likelihood be implemented if this application was refused. Consequently this scheme is seen as preferable in air quality terms and concerns over air quality can be set aside.
- 7.15.3 The proposal confers significant regeneration benefits on a site that has in effect had planning permission for dwellings since the Year 2000 and has to date produced only 20 units. The site is allocated under Policy H1 (Housing Sites) with an anticipation it will produce 153 units in total. As such the site is expected to make a contribution to Newport's Housing supply within this plan period. That the site will make the required contribution and more is a very significant benefit of the scheme. Additionally the site is brownfield and currently makes a very limited contribution to the urban landscape. The scheme will deliver an enhanced riverfront and will incorporate the existing public right of way in an improved form. The improvements to the riverfront environment are another significant benefit of the scheme, including the ecological benefits of closing off the riverbank from causal disturbance as people pass by. The scheme will deliver clear benefits in the cityscape, recreation provision in terms of the riverfront path and modest benefits in ecological terms.
- 7.15.4 The scheme provides adequate parking in number and concerns over the operation of the parking courts can be addressed via condition to secure appropriate lighting, surfacing, boundary treatments and surfacing materials.
- 7.15.5 A series of concerns have been raised in terms of the highway geometry and the usability of some of the parking courts. Although it is acknowledged that the geometry is tight in certain parts of the site the key concern arises from the need for larger vehicles to track across the centre line on some of the bends within the estate roads. It is accepted that forward visibility on these bends reduces the risk of conflict but does not eliminate it. Elements of the road scheme are considered to not meet policy requirements but harm is judged to be slight due to mitigating factors.
- 7.15.6 Overall officers conclude that the benefits of the scheme outweigh the identified harms and recommend that permission is granted subject to conditions and a S106 agreement to secure the necessary mitigation for the impact of the scheme on community facilities.

## **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 notwithstanding the concerns of the 'Designing Out Crime Officer' (Heddlu Gwent Police) in relation to the proposed parking courts.

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

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

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

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

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

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

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

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

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

## **9. CONCLUSION**

### **9.1 Overall officers conclude that the benefits of the scheme outweigh the identified harms and recommend that permission is granted subject to conditions and a S106 agreement to secure the necessary mitigation for the impact of the scheme on community facilities.**

## **10. RECOMMENDATION**

**GRANTED WITH CONDITIONS WITH DELEGATED AUTHORITY TO REFUSE THE APPLICATION IF THE SECTION 106 AGREEMENT IS NOT COMPLETED WITHIN 3 MONTHS OF ANY RESOLUTION TO GRANT PLANNING PERMISSION.**

*Plans*

01 The development shall be carried out in accordance with the following plans & documents:

- Drawing A102732 P LA1 F – Landscape Layout
- Drawing A102732 P LA2 F – Planting Details (1 of 7)
- Drawing A102732 P LA3 F – Planting Details (2 of 7)
- Drawing A102732 P LA4 F – Planting Details (3 of 7)
- Drawing A102732 P LA5 F – Planting Details (4 of 7)
- Drawing A102732 P LA6 F – Planting Details (5 of 7)
- Drawing A102732 P LA7 F – Planting Details (6 of 7)
- Drawing A102732 P LA8 F – Planting Details (7 of 7)
- Drawing 1795 103 B – Engineering Layout
- Drawing 3073(04)100 N – Site Layout
- Drawing 3073(04)201 A – House Type A Ground Floor Plan
- Drawing 3073(04)202 – House Type A First Floor Plan
- Drawing 3073(04)211 – House Type B Ground Floor Plan
- Drawing 3073(04)212 – House Type B First Floor Plans
- Drawing 3073(04)221 – House Type C Floor Plan, Ground Floor Plan
- Drawing 3073(04)222 – House Type C First Floor Plan
- Drawing 3073(04)231 – House Type C&D Ground Floor Plan
- Drawing 3073(04)232 B – House Type C&D First Floor Plan
- Drawing 3073(04)241 – House Type E Floor Plans, Ground Floor Plan
- Drawing 3073(04)242 – House Type E Floor Plans, First Floor Plan
- Drawing 3073(04)261 – House Type G, Floor Plans, Ground Floor Plan
- Drawing 3073(04)262 – House Type G Floor Plans, First Floor Plan
- Drawing 3073(04)271 A – House Type H Floor Plans, Ground Floor Plan
- Drawing 3073(04)272 A – House Type H Floor Plans, First Floor Plan
- Drawing 3073(04)281 A – House Type I & J Floor Plans, Ground Floor Plan
- Drawing 3073(04)282 – House Type I & J Floor Plans, First Floor Plan
- Drawing 3073(04)291 – House Type K Floor Plans, Ground Floor Plan
- Drawing 3073(04)292 – House Type K Floor Plans, First Floor Plan
- Drawing 3073(04)293 – House Type K Floor Plans, Second Floor Plan
- Drawing 3073(04)301 B – House Type A Elevations (Type 1)
- Drawing 3073(04)302 B – House Type A Elevations (Type 2)
- Drawing 3073(04)311 B – House Type B Elevations
- Drawing 3073(04)322 B – House Type B Elevations (Type 2)
- Drawing 3073(04)323 B – House Type C Elevations (Type 3)
- Drawing 3073(04)331 B – House Type C&D Elevations (Type 1)
- Drawing 3073(04)332 B – House Type C&D Elevations (Type 2)
- Drawing 3073(04)333 B – House Type C&D Elevations (Type 3)
- Drawing 3073(04)341 A – House Type E, Elevations
- Drawing 3073(04)342 A – House Type E Elevations (Type 2)
- Drawing 3073(04)344 B – House Type E Elevations (Type 4)
- Drawing 3073(04)361 A – House Type G, Elevations
- Drawing 3073(04)371 C – House Type H, Elevations
- Drawing 3073(04)381 C – House Type I & J Floor Plans, Elevations
- Drawing 3073(04)391 A – House Type K Elevations (Type 1)
- Drawing 3073(04)392 A – House Type K Elevations (Type 2)
- Drawing 3073(04)2200 – House Type L1 (Plots 1-36), Floor Plans, Ground and 1<sup>st</sup> Floor Plan
- Drawing 3073(04)2211 – House Type L1 Floor Plans, Ground Floor Plan
- Drawing 3073(04)2212 – House Type L1 Floor Plans, First Floor Plan
- Drawing 3073(04)2213 – House Type L1 Floor Plans, Second Floor Plan
- Drawing 3073(04)2201 – House Type L1 (Plots 1-36), Floor Plans, Second Floor Plan
- Drawing 3073(04)2311 A – House Type L1 Elevations (Type 1)
- Drawing 3073(04)2312 A – House Type L1 Elevations (Type 2)
- Drawing 3073(04)2321 A – House Type L1 (Plots 1-36), Elevations (Type 1)
- Drawing 3073(04)2322 A – House Type L1 (Plots 1-36), Elevations (Type 2)



- Drawing 3154 (90)204 A – Proposed Site Plan (5 of 6)
  - Drawing 3154(90)205 A – Proposed Site Plan (6 of 6)
  - Drawing 1155090 300 A – Reinforced Earth Details (60 Degrees)
  - Drawing 1155090 301 A – Reinforced Earth Details (70 Degrees)
  - Drawing 1155090 302 B – Gabion Basket Retained Boundary
  - Drawing 1155090 303 C – Gabion Basket Retaining Sections
  - Drawing 1155090 304 C – Gabion Basket Retaining Sections
  - Drawing 1155090 305 – Gabion Basket & Reinforced Earth Bank Extents Plan
  - Drawing 1155090 551 – Reen Setting Out
  - Unnumbered Drawing – Retaining Walls Revision A (07.03.2017)
  - Unnumbered Drawing – Construction Site Layout (14/03/2018)
  - Wildlife Protection Plan (WPP) & Environment Management Plan (EMP)
- Reason: to comply with Welsh Government Circular 016/2014, Paragraph 5.30.

#### *Pre-commencement Conditions*

##### Imported Materials to raise the site

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

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

#### *Pre-construction conditions*

##### Surface Water Drainage

03 Prior to the construction of Plots 1-36 details of the surface water drainage for those Plots and any associated roadways and car parking shall be provided in writing to the Council. Following the Council's written agreement the surface water arrangements shall be provided as agreed when the relevant part of the development is constructed.

Reason: to ensure this part of the site is appropriately drained, to reduce the risk of surface water flooding offsite and to protect the conservation objectives of the River Usk SAC.

##### Details of bin stores

04 Prior to the construction of any bin store or a cycle store as shown in Drawing 3073 (04) 100 N full details of those stores shall be submitted to the local planning authority. Following the LPA's written agreement the store shall be provided fully as agreed prior to the occupation of any unit served by that store.

Reason: in the interests of residential amenity & sustainability and to ensure the bin stores have sufficient capacity.

##### Treatment of run-off for hydro-carbons

05 Surface water drainage from roads, parking areas and any other surfaced areas where motor vehicles park or transit shall be passed through a mechanism to remove hydrocarbons prior to being discharged to any surface waters. The design and capacity of the means to remove hydrocarbons shall be submitted to the Council in writing. Following the Council's written agreement the agreed mechanism shall be fully installed at the time the area it serves is constructed and it shall be retained thereafter.

Reason: to protect surface waters and the River Usk SAC from hydrocarbon pollution.

##### Piling & Risks to Ground Waters

06 Piling or any other foundation designs using penetrative methods below 1m in depth shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: There is an increased potential for pollution of ground waters from inappropriate methods of piling.

#### Window reveals

07 No window shall be installed in any block of flats approved under this consent until details of a window reveal have been provided in writing to the Council. Following the Council's written agreement the windows shall be installed as agreed.

Reason: to break up facades in the interests of good design and visual amenity.

#### Parking Courts

08 Notwithstanding submitted details, no parking court accessed via an underpass shall be completed until details of finishing materials, landscaping, boundary treatments and lighting have been submitted to and agreed in writing by the Council. The courts shall be completed as agreed prior to their first use.

Reason: to ensure that these are high quality spaces that provide a safe and attractive environment to users.

#### Alternative Boundary Treatment

09 Notwithstanding the submitted details, details of an alternative rear boundary treatment for Plots 144-149 & Plots 161-166 shall be provided in writing to the Council. Following the Council's written agreement the boundary shall be installed fully as agreed prior to the first occupation of those Plots.

Reason: to ensure the provision of a high quality boundary in a prominent and publically accessible location.

#### Lighting

10 Full details of lighting shall be provided for adopted roads & footways / cycleways, unadopted roads & footways / cycleways and other areas of public access including car parks, parking courts and areas of public open space shall be provided to the Council in writing. Following the Council's written agreement the lighting shall be provided as agreed prior to the first beneficial use of the areas to be lit. Any lighting scheme submitted shall have regard to maintaining dark corridors along the river bank. No other lighting shall be installed in these areas.

Reason: to protect residential amenity, public safety and ecological interests including the conservation objectives of the River Usk SAC.

#### *Pre-occupation Conditions*

##### Acoustic fencing

11 Prior to the occupation of any dwelling backing onto the railway or the adjacent industrial land; full details of an acoustic fence including its location, height, density, means of construction, materials and finish (colour & texture) shall be provided in writing to the Council. Following the Council's written agreement the fence shall be provided as agreed before the occupation of any of the Plots described above.

Reason: to protect the outdoor and indoor amenity of the occupiers of those Plots and to accord with the assumptions of the submitted Environmental Statement in relation to noise mitigation.

##### Details of glazing & ventilation

12 Prior to the occupation of any dwelling backing onto the railway or the adjacent industrial land; full details of the glazing specification and trickle vents for the windows of those dwellings shall be provided in writing to the Council. The details shall show that internal noise can be mitigated to the Target Criteria specified in Table 0-12 '*Indicative Façade Sound Insulation Performance for Glazing Elements*' of Chapter 13 of the submitted Environmental Statement. Where that level of mitigation cannot be achieved with open windows details of an alternative means to ventilate affected rooms shall be provided. Following the Council's written agreement the glazing, trickle vents and alternative means of ventilation (as required) shall be installed as approved prior to the occupation of those plots.

Reason: to protect the amenity of future occupiers.

#### Provision of Drainage

13 No dwelling shall be occupied until the means to drain foul and surface water from that dwelling have been provided.

#### Roads Completion

14 The approved roads / cycleways / footways shall be built in accordance with construction details, including drainage details that have been submitted to and approved in writing by the local planning authority. The roads / cycleways / footways shall be provided minimally to base course level prior to the occupation of the dwelling they serve and shall be fully completed within 3 months of the completion of the last dwelling within the relevant phase.

Reason: in the interests of highway and pedestrian safety and wider residential amenity.

#### Parking

15 Arrangements for vehicle parking shall be provided as approved prior to the occupation of any part of the scheme to which those parking arrangements relate and they shall be retained thereafter.

Reason: to ensure there is sufficient parking in the interests of residential amenity and highway safety.

#### Remediation Verification

16 Prior to occupation of any part of the approved development, a verification report demonstrating completion of the works set out in the remediation strategy submitted under discharge of condition approval 17/0082 (or any other strategy that may be subsequently agreed) and the effectiveness of the remediation for that part of the site shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: In order to demonstrate that the remediation criteria relating to controlled waters and human health have been met. In order to (if necessary) secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters or human health following remediation of the site.

#### Details of Brick Boundary Walls

17 Details of the proposed brick wall boundary treatments shall be provided in writing to the Council. Following the Council's written agreement the walls shall be provided as agreed prior to the occupation of any relevant plot.

Reason: in the interests of visual & residential amenity and safety & security.

#### Open Space Management

18 No building shall be occupied in the approved scheme in relation to each phase as defined by Condition 30 until a management strategy for the maintenance of all areas of formal and informal open space for that phase, not subject to adoption by the local authority, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of any management company proposed and its terms of reference. The management strategy for each phase shall be implemented in accordance with the approved details for that phase for a period of 5 years following the completion of the last dwelling on that phase.

Reason: to ensure that areas of open space are maintained until fully established in the interests of residential and visual amenity.

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

#### Unforeseen Contamination

19 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out in the contaminated area(s) until

the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

#### Surface Water Infiltration

20 Notwithstanding the details shown in Drawing 1795 103 B (Engineering Layout) no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with any details that may be submitted.

Reason: The water environment is at risk and there is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.

#### Shad & Lamprey Migration

21 No works within the River (below the top of the river bank) or associated with piling anywhere on the site shall be undertaken during the period from 1 March to 30 June unless the applicant has provided a method statement showing these activities will not cause unacceptable levels of noise or vibration and that Method Statement has been agreed in writing by the Council. Thereafter the works shall be carried out fully in accordance with the Method Statement.

Reason: To avoid disturbance during the main Shad and Lamprey spawning and migration period in the interests of protecting the integrity of the River Usk SAC and its conservation objectives.

#### Privacy screening

22 The two central balconies in the Flat L1 'terraced blocks' comprising Plots 01-36 shall not be used until details of a means to provide privacy screening to those balconies has been provided to the Council in writing. Following the Council's written agreement the privacy screening shall be installed as agreed prior to the use of those central balconies.

Reason: to protect the privacy of adjoining occupiers.

#### Requirement to remediate the site

23 Prior to occupation the site shall be decontaminated / remediated in accordance with the details submitted under discharge of condition approval 17/0082 or in accordance with any other scheme that satisfies the requirements of condition 03 of permission 13/1279 as may be submitted to and agreed in writing by the Council.

Reason: to ensure the site is appropriately remediated in the interests of protecting controlled waters, human health and the conservation objectives of the River Usk SAC.

#### *Directive Conditions*

#### Migratory Fish

24 No works in-river (below the top of the river bank) shall be undertaken other than January – February and July-August inclusive without the prior written approval of the LPA.

Reason: to avoid adverse impacts on migrating fish species including the Atlantic salmon and to protect the wider interests of the River Usk SAC and its conservation objectives.

#### Hydrocarbon Storage

25 Any facilities for the storage of oils, fuels and chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tanks the compound shall be at least equivalent to the capacity of the largest tank or the combined capacity of inter-connected tanks plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated

pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: to prevent pollution of the water environment.

#### Otter migration

26 No work of excavation, land raising or construction shall take place within 10 metres of the top of the riverbank between one hour prior to sunset and one hour after sunrise.

Reason: To ensure no disturbance is caused to otters migrating up or down the river.

#### External Materials - Dwellings

27 The dwellings hereby approved shall be completed using the materials as specified or other materials closely similar in colour and texture.

Reason: to ensure the dwellings are built from appropriate materials in the interest of visual amenity.

#### Delivery Route

28 Notwithstanding the submitted information relating to deliveries only large indivisible loads that cannot pass below the Turner Street railway bridge shall be delivered via East Usk Road. All other loads shall be delivered via Turner Street unless that route is unavailable due to closure. No deliveries shall take place outside of the hours of 08:00 to 18:00.

Reason: in the interests of wider residential amenity.

#### Hard Surfacing

29 Hard surfaces shall be provided as per drawing 3073 (04) 100 N – Site Layout other than as amended by information provided to discharge other conditions of this permission.

Reason: to ensure the development is completed using appropriate materials.

#### Phasing Plan

30 The development shall proceed in accordance with the phasing shown in unnumbered drawing 'Construction Site Layout' (Revision 14.03.2018).

Reason: so the development proceeds in an orderly way.

#### Landscaping

31 The Planting shown in:

Drawing A102732 P LA1 F – Landscape Layout and

Drawing A102732 P LA2 F – Planting Details 1 of 7

Drawing A102732 P LA3 F – Planting Details 2 of 7

Drawing A102732 P LA4 F – Planting Details 3 of 7

Drawing A102732 P LA5 F – Planting Details 4 of 7

Drawing A102732 P LA6 F – Planting Details 5 of 7

Drawing A102732 P LA7 F – Planting Details 6 of 7

Drawing A102732 P LA8 F – Planting Details 7 of 7

Shall be provided within the next full planting season (September to March inclusive) after the completion of the last dwelling on the phase to which it relates. Thereafter the planting shall be maintained for a period of 5 years from its implementation and any dead or dying plants shall be replaced with new plants of the same type and size during that time period.

Reason: to ensure the site is appropriately planted.

#### Land raising

32 The site north of Lottery's Reen shall be raised to 10.4m AOD and buildings in that area shall have a finished floor level of 10.4m AOD. The site to the south of Lottery's Reen shall be raised to 9.95m AOD and buildings in that area shall have a finished floor level of 9.95m AOD.

Reason: to mitigate the risk of flooding and to comply with the advice of Paragraph 4.26 of the submitted Flood Consequences Assessment.

#### Travel Plan

33 The requirements of the submitted Travel Plan (March 2018) shall be implemented as described and maintained so far as relevant for a period of 3 years following the occupation of the last dwelling to be completed on the site.

Reason: to encourage the use of sustainable forms of transport in the interests of overall sustainability and reducing air pollution in the Caerleon Road AQMA.

#### Ecological Mitigation

34 The ecological avoidance, mitigation & compensation and the habitat management described in the *Wildlife Protection Plan* and the *Environmental Management Plan* shall be carried out as described as the relevant phases of the scheme are completed. The EMP shall be carried out as described from when ecological mitigation is first enacted until 10 years after the last dwelling is completed. Where measures in the Wildlife Protection Plan are contradicted by other conditions applied to this permission the other conditions shall take precedence.

Reason: to protect the conservation objectives of the River Usk SAC during the construction phase, to provide compensatory and mitigatory habitats for those that have been lost and to ensure the new habitats are maintained until established.

#### Compliance with CEMP

35 Works shall be carried out in accordance with the submitted CEMP. Where measures in the CEMP are contradicted by other conditions applied to this permission the other conditions shall take precedence.

Reason: to protect ecological interests, highway safety and wider amenity.

#### Provision of boundaries prior to occupation

36 Boundary treatments shall be provided as approved prior (or in accordance with any relevant conditional discharge) to the occupation of the dwellings which they serve or within 3 months of the completion of the phase where they are located if they do not serve a dwelling.

Reason: in the interests of visual and residential amenity.

#### Surface Water Drainage

37 The Surface water drainage mechanism shown in Drawing 1795 /103B – Engineering Layout shall be installed as shown. The drainage shall be provided at the time the associated roads are constructed.

Reason: to ensure surface water drainage on the site is provided and to reduce the risk of exacerbating surface water flooding off the site.

#### NOTE TO APPLICANT

01 This decision relates to the following documents in relation to those contained in Condition 01:

- Drawing 1795 002 – Refuse Vehicle Tracking
- Proposed Piling Strategy for Residential Development, Herbert road, Newport (19 March 2018)
- Drawing 3154(90)208 – Proposed Site Sections
- Drawing 3073(04)001 B – Site Location
- Design & Access Statement (August 2018)
- Environmental Statement, Volumes 1-3 & Appendices
- Addendum to Environmental statement (July 2018)
- Surface Water Calculations; Reen Sizing (1155090 – Reen, Rev. A)
- Acoustic Fencing (PCD 12)
- Construction Environment Management Plan (March 2018)
- Delivery Plan (March 2018)
- Travel Plan (March 2018)
- Proposed Materials Schedule (MaterialsV1/HR)
- Otter Mitigation Strategy (March 2017)
- PAC Report & Appendices (March 2018)
- Proposed Piling Strategy March 2018 (1155090-SM-01 Rev 01)

- Planning Statement (March 2018)
- Photograph of Stone Sample (Gabion Basket Fill)
- Swept-Path analysis of several construction Vehicles, Travelling from Caerleon Rd (B4596) to the site access, Herbert Road, Newport (March 2018)
- Transport Statement (March 2018)
- Supplementary Piling Note (01 August 2018)

- 02 The development should be carried out fully in accordance with the proposals shown in the application and in the plans and particulars accompanying such application as varied and amended by this permission.
- 03 This decision notice is issued in respect of Planning Permission only and does not convey any decision which may be required under any other legislation or provisions, such as the Building Regulations. For advice on the requirements of the Building Regulations and allied legislation, and/or whether there is a need for a Building Regulations submission, please contact the Council's Building Control Section on 01633 656656 or email [building.control@newport.gov.uk](mailto:building.control@newport.gov.uk).
- 04 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (adopted January 2015). Policies SP1, SP2, SP3, SP4, SP8, SP9, SP10, SP13, SP15, SP18, GP1, GP2, GP3, GP4, GP5, GP6, GP7, CE3, CE9, H1, CF2 & CF4 were relevant to the determination of this application.
- 05 Adopted Supplementary Planning Guidance for Planning Obligations, Affordable Housing, Wildlife and Development, New Dwellings and Parking Standards were relevant to the determination of this application.
- 06 This permission is subject to a legal agreement under section 106 of the Town and Country Planning Act 1990.
- 07 Network Rail need to be consulted on any alterations to ground levels. No excavations should be carried out near to railway embankments, retaining walls or bridges.
- 08 Under the Wildlife and Countryside Act 1981 bird species are protected whilst nesting. Therefore, any vegetation to be removed to facilitate the application development should be cleared outside of the peak bird-breeding season (considered to be March through to 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 affected.
- 09 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.
- 10 The application was accompanied by an Environmental Statement.
- 11 A programme of Knotweed eradication should be carried out in order to ensure a nuisance plant is controlled. The plans have been assessed on the basis of the scale or dimensions stipulated and any statement of 'do not scale' (or similar) has been disregarded.
- 12 Where there are conditions which require details to be approved prior to the commencement of development, failure to submit these details prior to commencement of development may result in the permission being invalidated.
- 13 The Local Planning Authority has a target to determine Discharge of Condition applications within 8 weeks of receipt of the details, and so you are advised to programme any work accordingly.

## **APPLICATION DETAILS**

**No:** 18/0293      **Ward:** ST JULIANS

**Type:** FULL+ENV STATEMENT

**Expiry Date:** 23-JUL-2018

**Applicant:** POBL GROUP

**Site:** LAND TO SOUTH OF GLAN USK PRIMARY SCHOOL, HERBERT ROAD, NEWPORT

**Proposal:** DEVELOPMENT OF 195NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AFFECTING PUBLIC RIGHT OF WAY 407/1

### **1. LATE REPRESENTATIONS**

1.9 In response to comments by the Council's Highways Officer the applicant has submitted a revised layout plan to address the concerns raised. A series of small changes have been made as follows:

*Please find attached the amended layout. The amendments are summarised below and have been undertaken to address recent comments from highways:*

1. *Gabion structure at S.E corner of the site abutting Plots 48 & 195 have been straightened providing extra space circa 1.5m to this corner.*
2. *The end section of access road between these two plots has been extended to utilize this extra 1.5m land. Rear garden boundary of Plot 48 & 195 have revised accordingly.*
3. *The Top row (Plots 173 to 195) have been shifted down right (towards Plot 195) to give extra space to rear car parking court in Plot 173.*
4. *All front car parking spaces to Flat type 'H' have been extended to be 5.5m minimum by repositioning Flats on Plot nos. 173, 186 & 195, and amend rear parking court yards.*
5. *4 No. side parking spaces for Plots 184 and 185 have been revised to give extra room to Rear parking court yard at Plot 186.*
6. *The pedestrian footpath + planting spots + Visitor car spaces in this top row area ( in front of Plots 173-195) have been adjusted accordingly and revised to provide better visibility from car parking entries and better pedestrian path connectivity.*
7. *4 No. road bends have been revised as per Engineer's drawing. (Road bends adjacent to Plot 38, 100, 156 & 137). Pedestrian paths, soft landscaping and Rumble strips abutting these bends are amended accordingly. Flat blocks 161-166 have also been realigned to accommodate revised road bend in front of it.*
8. *The road section in front of Plots 169-170 has been narrowed down as advised by Engineers.*
9. *Block pavements with rumble strips are added to most of the road junctions as advised by Engineers.*
10. *Rear parking court yards behind Plot 52, 123, 135 & 156 revised to provide extra maneuvering space. Car space in Plot 51 & 122 have been revised to give extra room to the car parking court area.*



11. *The vehicular entrance to car park of Block 138-143 has been enlarged to be 4.5m from 3.6m.*
12. *The pedestrian path to shared drive fronting Plots 133-160 have now been connected throughout.*
13. *Proposed Pedestrian links to the existing foot path have been updated – they are not gated anymore.*
14. *Visitor car parking spaces renumbered.*
15. *Two parking spaces have been removed for plot 186 and 195 (both 2 bed units). A parking reduction has already been justified on sustainability grounds. These changes have been made to address highway's comments.*

1.10 The Highways Officer has commented as follows in relation to the above amendments. The original comment which the applicant is seeking to address is shown in standard font and the revised comment is italicised:

1. Visibility splays have now been shown at 2.4x25m, given the extent of forward visibility 85th percentile vehicle speeds will be in excess of 20mph, therefore splays do not conform to manual for streets which is detrimental to highway safety. Either splays would need to be increased or measures put in place to reduce vehicle speeds.  
*Additional traffic calming measures to lower driver speeds have addressed concerns regarding visibility.*
2. It has not been demonstrated that refuse vehicles can pass a large car, it is accepted that some lane overrunning may occur at junctions where vehicles anticipate stopping, however a car and refuse should be able to pass on bends. Inability to do this risks collision, overrunning of footways or reversing manoeuvres on the highway to the detriment of highway safety.  
*Swept path analysis now demonstrates that passing on bends is acceptable, the raised tables on bends are not necessary, they will increase the risk of corner cutting and over-running footways as a result of reduced kerb upstands.*
3. I retain my previous comments regarding the pedestrian links provided at the North Eastern and North Western end of the side linking to the adopted footway, these should not be gated, unobstructed pedestrian links should be provided.  
*Pedestrian links now appear to be unobstructed.*
4. The majority of shared drive access points have now been updated to 4.5m with the exception of the plots 138-143, this now has a 3.5m entrance. It would need to be 4.5m to allow passing for 2 vehicles.  
*Updated to 4.5m.*
5. Entrances to under croft parking areas, although increased, are still only 4.0m in width, this is inadequate to accommodate 2 way vehicle passing, particularly given the adjacent walls reducing the effective width. This leads to the risk of vehicles reversing across the footway to the detriment of highway safety.  
*Undercroft Parking entrances are still only 4.0m.*
6. Considering the limited space to manoeuvre I would question whether vehicles can access and egress the under croft parking for plots 51, 53, 122, 124, 174-175 and 187-188 in a forward gear. This should be demonstrated with vehicle tracking.  
*Measures have been made to improve manoeuvrability.*
7. The shared drives to plots 127-132 are 4.5m for the full length, in accordance with the parking standards vehicles require 6m of space to undertake reversing manoeuvres. It is therefore a concern that vehicles would reverse over the adjacent footway to the

detriment of pedestrian safety. In addition the footpath would need to be protected from indiscriminate parking. The footway should be continuous for pedestrian movements. *Vehicle tracking has demonstrated that vehicles can egress without over running the footpath however protection of the footpath from parking and overrunning would still be beneficial.*

8. Parking for Plots 49, 126, 176, 183, 184, 189, 192 is divorced from the properties with no direct access from the property to the parking spaces, this is likely to lead to parking on the highway reducing capacity for visitor parking and inhibiting the free flow of traffic. *Parking is still divorced.*

9. Parking spaces in front of garages for plots 173, 176 do not conform to the SPG parking standards. Spaces should be 5.5m where abutting a structure. *Spaces now conform to the SPG Parking Standards.*

I would reiterate comment formerly made regarding conditions and s106 obligations.

### **Conditions**

3. *It should be conditioned for full engineering details for the roads including details of widths, gradients, long sections, construction details and specifications, drainage and street lighting must be submitted for approval. The roads must be constructed in accordance with the approved drawings.*

### **S106 Obligations**

4. *It is considered that the impact on the existing Highways Network of proposed application 18/0293 is commensurate with that of approved application 13/1279. Therefore I would seek to retain the Highways obligations imposed in the s106 agreement that was put in place as a result of application 13/1279.*

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

2.1 The plan revisions address most of the concerns raised by the Highways Section and those which remain unaddressed are not considered to be so harmful as to materially shift the balance of the determination.

## **3. OFFICER RECOMMENDATION**

3.1 The recommendation in the Officer Report remains unchanged, that is:

**Recommendation: GRANTED WITH CONDITIONS WITH DELEGATED AUTHORITY TO REFUSE THE APPLICATION IF THE SECTION 106 AGREEMENT IS NOT COMPLETED WITHIN 3 MONTHS OF ANY RESOLUTION TO GRANT PLANNING PERMISSION.**

**APPLICATION DETAILS**

**No:** 18/0702      **Ward:** GAER

**Type:** FULL

**Expiry Date:** 17-OCT-2018

**Applicant:** SHAUN BALLETT, NEWPORT NORSE

**Site:** MAESGLAS COMMUNITY CENTRE, BIDEFORD ROAD, NEWPORT, NP20 3XT

**Proposal:** INSTALLATION OF 400MM ANGLED MESH PANEL FIXED TO EXISTING TIMBER FENCE

**Recommendation:** GRANTED WITH CONDITIONS

**1. INTRODUCTION**

- 1.1 This application seeks permission for the installation of a 400mm angled mesh panel to an existing timber fence at the Maesglas Community Centre in the Gaer ward. The panel aims to prevent the fence being climbed and would increase height of the fence by 0.2 metres.
- 1.2 The application is referred to Committee because the site is Council owned.

**2. RELEVANT SITE HISTORY**

- 2.1 None.

**3. POLICY CONTEXT**

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

**4. CONSULTATIONS**

- 4.1 HEDDLU GWENT POLICE (ARCHITECTURAL LIAISON OFFICER): No representations received.

**5. INTERNAL COUNCIL ADVICE**

- 5.1 None.

**6. REPRESENTATIONS**

- 6.1 NEIGHBOURS: All properties with a common boundary and opposite were consulted (forty-two addresses). No representations were received.

**7. ASSESSMENT**

- 7.1 This application seeks permission for the installation of a 400mm angled mesh panel to an existing 2.1 metre high timber fence. The mesh would be powder coated green mesh angled in towards the community centre resulting in an increase in height of 0.2 metres. The intention is that the panels will prevent the fence being climbed.

- 7.2 The mesh would be attached to two lengths of timber fencing located to the eastern side of the community centre. The north to south run measures 5.3 metres in length and the east to west run measures 6.9 metres.
- 7.3 The site is visible from a foot path which runs along the eastern boundary of the community centre and from the rear of adjacent properties in Maerdy Close and Maesglas Avenue. There is a mix of boundary treatments in the immediate area including timber fencing, metal fencing and walls.
- 7.4 Due to the minor increase in height of the fence it is not considered that the proposal would result in a detriment to residential amenity of surrounding occupiers when assessed in accordance with policy GP2.
- 7.5 As the site is not located in a prominent position and is surrounded by a mix of boundary treatments, it is not considered that the proposal would result in an unacceptable impact on visual amenity when assessed in accordance with GP2 and GP6.

## **8. OTHER CONSIDERATIONS**

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

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

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

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

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

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

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

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

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

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

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and

objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

**9. CONCLUSION**

9.1 It is considered that the proposal would not result in a detriment to visual or residential amenity and is acceptable when assessed against the adopted policies and guidance.

**10. RECOMMENDATION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Site Plan (Amended) and Proposed Fencing Elevations NPS-00-00-DR-B-(00)-000.

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

*NOTE TO APPLICANT*

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2 and GP6 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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**APPLICATION DETAILS**

**No:** 18/0735      **Ward:** MARSHFIELD

**Type:** FULL

**Expiry Date:** 08-OCT-2018

**Applicant:** E CHARD

**Site:** UNITS 4 TO 5 DUFFRYN SHOPPING CENTRE, TREDEGAR HOUSE DRIVE, NEWPORT, NP10 8TE

**Proposal:** CHANGE OF USE FROM A1 TO SUI GENERIS (DOG GROOMING SALON)

**Recommendation:** AUTHORISE THE HEAD OF REGENERATION, INVESTMENT AND HOUSING TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS , SUBJECT TO NO ADVERSE REPRESENTATIONS BEING RECEIVED BY 6TH OCTOBER 2018

**1. INTRODUCTION**

- 1.1 The application seeks consent to change the use of Units 4 and 5 of the Duffryn Shopping Centre from a A1 unit into a dog grooming salon (sui generis).
- 1.2 The application is brought before Planning Committee as it relates to a Council owned property.

**2. RELEVANT SITE HISTORY**

14/0408	Unit 4 & 5	CHANGE OF USE FROM POLICE STATION TO SHOP (A1 USE CLASS)	Granted
02/1497	Unit 7	ERECTION OF OFFICE EXTENSION	Granted with Conditions
03/1279	Unit 5 & 6	CHANGE OF USE OF RETAIL UNITS (CLASS A1) TO EXTENSION TO POLICE STATION TOGETHER	Granted with Conditions
95/0782	Former Shopping Unit	CHANGE OF USE TO SHOPPING UNIT TO FORM EXTENSION TO EXISTING POLICE STATION	Granted

**3. POLICY CONTEXT**

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

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

Policy **GP4 Highways and Accessibility** states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway,

highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.

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

Policy **GP7 Environmental Protection and Public Health** states that development will not be permitted which would cause or result in unacceptable harm to health.

Policy **CE7 Conservation Areas** sets out the criteria that development proposals within or adjacent to the conservation area must comply with in order to preserve or enhance the conservation area.

#### **4. CONSULTATIONS**

- 4.1 **NATURAL RESOURCES WALES:** The application site lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and the 0.1% (1 in 1000 year) annual probability tidal flood outlines. Given the nature of the proposed development (and in the absence of a flood consequence assessment (FCA)) we consider the risk could be acceptable subject to the developer being made aware of the potential flood risks.
- 4.2 **DWR CYMRU/WELSH WATER:** We can confirm we have no objections to this application. However we advise that domestic foul flows only shall connect to the public sewer network. Any non-domestic waste produced onsite shall be disposed appropriately.

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

- 5.1 **HEAD OF CITY SERVICES (HIGHWAYS):** When taking into consideration the parking demand associated with the existing use, the proposal is considered acceptable and I would offer no objection to the application.
- 5.2 **HEAD OF REGENERATION AND REGULATORY SERVICES (PUBLIC PROTECTION MANAGER):** No objection to the proposals, but recommend that the use has an opening hour restriction applied to it as there are nearby residential properties. I note that the applicant has provided the intended opening hours as Mondays to Fridays 9am to 6pm; Saturdays, Sundays and Bank Holidays 10am to 3pm. I have no objection to these proposed hours.

#### **6. REPRESENTATIONS**

- 6.1 **NEIGHBOURS:** All properties that share a common boundary with the application site were consulted (8 No addresses). No representations were received.
- 6.2 **PRESS NOTICE (End Date: 06/10/2018):** No representations received.
- 6.3 **SITE NOTICE (End Date: 02/10/2018):** No representations received to date.
- 6.4 **COEDKERNEW COMMUNITY COUNCIL:** No representations received to date

#### **7. ASSESSMENT**

- 7.1 The unit is located in a parade of single storey shops which is included in the Tredegar House and Grounds Conservation Area. The parade of shops are located on the site of historic farm building associated with the House, although the buildings seen today are modern.

- 7.2 Whilst this proposal would result in a loss of a retail unit, the premises are not within a defined commercial centre or local centre and as such, its use is not protected by a defined policy within the Newport Local Development Plan (NLDP).
- 7.3 It is proposed to employ 3 people (1 full time 2 part time) at the premises. The Council's Environmental Health section has not raised objections to the proposal.
- 7.4 The existing use is not subject to any restrictions upon its opening times. However, due to the nature of the proposed use, there is potential for an impact upon the amenities of neighbouring occupiers (in particular, dogs barking). The proposed opening hours, as stated within the application forms, indicate that the business would be limited to daytime hours and it is considered that this arrangement would not have any significant adverse effect on neighbouring properties. The Council's Environmental Health has also recommended controlling opening hours and subject to a condition, it is considered that the proposal would not generate any overriding residential amenity concerns. Having regard to the above, it is considered that the proposal satisfies Policy GP2 and GP7 of the NLDP.
- 7.5 There is limited vehicular access to the unit in question with parking provision provided outside of the courtyard of units. The Head of City Services (Highways) considers that a dog groomers is commensurate with the existing A1 use and consequently offers no objections to the proposal. It is therefore considered that the proposal would not have a significant adverse effect on parking or highway/pedestrian safety, thereby satisfying Policy GP4 of the NLDP.
- 7.6 The site in question is located within the Tredegar House and Grounds Conservation Area. The Council needs to be satisfied that the proposed development would preserve or enhance the character and appearance of the Conservation Area. The applicant has confirmed that the proposal would not involve any extensions or external alterations. It is therefore considered that there would not be any effect on the visual amenity of the conservation area, thereby satisfying the design/visual element of Policy SP9, GP6 and CE7 of the NLDP. It is acknowledged that a new shop signage may be required, however this does not form part of this proposal and may require separate advertisement consent. An informative note would be added to any consent issued advising the applicant of this matter.
- 7.7 The application site lies entirely within Zone C1, the application is for a change of use and NRW have not raised any objection. Given the nature of the proposed development it is considered acceptable in terms of flood risk.

## **8. OTHER CONSIDERATIONS**

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

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

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

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

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

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and



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

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

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

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

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

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

**9. CONCLUSION**

9.1 The change of use is considered in keeping with the character of the surrounding area, and does not raise any highways concerns. The proposal would not have a materially adverse impact on character and appearance of the Conservation Area. It is not considered that there would be an unacceptable impact on the amenity of neighbouring occupiers when assessed against the adopted policies and guidance and is therefore acceptable.

**10. RECOMMENDATION**

**AUTHORISE THE HEAD OF REGENERATION, INVESTMENT AND HOUSING TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS SUBJECT TO NO ADVERSE REPRESENTATIONS BEING RECEIVED BY 6TH OCTOBER 2018**

01 The development shall be implemented in accordance with the following plans and documents Location Plan received 9<sup>th</sup> August 2018.

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

***General conditions***

02 The hours of operation shall be restricted to 09:00 to 18:00 Monday to Friday and 10:00 to 15:00 on Saturdays, Sundays and Bank or Public Holidays. Outside of these hours the premises shall be vacated and closed to the public.

Reason: In the interests of the amenities of occupiers of adjoining properties.

***NOTE TO APPLICANT***

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP9, GP2, GP4, GP6, GP7 and CE7 were relevant to the determination of this application.

02 Separate consent under the advertisement regulations may be required for any advertisement signs.

03 The application site lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Flood resistance/resilience measures that could be incorporated into the development include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor, and locating electrical sockets/components at a higher level above possible flood levels.

Appropriate measures and advice is set out in the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', which is available at <https://www.gov.uk/government/publications/improving-the-flood-resistance-of-domestic-and-small-business-properties-interim-guidance> and information from CIRIA ([www.ciria.org/flooding](http://www.ciria.org/flooding)). Additional guidance can be found <https://www.gov.uk/prepare-for-flooding/future-flooding>

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

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

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

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**APPLICATION DETAILS**

**No:** 18/0823      **Ward:** GAER

**Type:** FULL

**Expiry Date:** 14-OCT-2018

**Applicant:** R DREW

**Site:** GAER INFANT SCHOOL, MELFORT ROAD, NEWPORT, NP20 3FP

**Proposal:** INSTALLATION OF CANOPY

**Recommendation:** GRANTED WITH CONDITIONS

**1. INTRODUCTION**

- 1.1 This application seeks planning permission for the erection of an external canopy at the rear of Gaer Infant School for play and teaching facilities. The proposed canopy would be sited on the south-east elevation of the building on an existing playground, facing across school playing fields and towards the dwellings at Browning Close and Boswell Close.
- 1.2 The application is brought before Planning Committee as it relates to a Council owned property.

**2. RELEVANT SITE HISTORY**

15/0077	CONVERSION OF FORMER INFANTS SCHOOL INTO AN AUTISTIC SPECTRUM DISORDER (ASD) UNI	Granted with Conditions
16/0710	NON MATERIAL AMENDMENT TO PLANNING PERMISSION 15/0077 TO CHANGE PERIMETER FENCE	Approved & Conditions
16/0831	DISCHARGE OF CONDITION 03 (CEMP) AND PARTIAL DISCHARGE OF CONDITION 09 (MELFORT ROAD GATES) OF PLANNING PERMISSION 15/0077 FOR CONVERSION OF FORMER INFANTS SCHOOL INTO AN AUTISTIC SPECTRUM DISORDER UNIT, INCLUDING EXTENSIONS AND ASSOCIATED WORKS	Approved

The original planning application for the refurbishment of the school (15/0077) included a plan to install a similar sized canopy that also included an extension to include storage space under the canopy. The canopy was never built.

**3. POLICY CONTEXT**

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

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

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

#### **4. CONSULTATIONS**

4.1 No external consultation was undertaken.

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

5.1 No internal consultation was undertaken.

#### **6. REPRESENTATIONS**

##### **6.1 NEIGHBOURS:**

All properties with a common boundary with the school were consulted (44 properties) but no comments have been received.

#### **7. ASSESSMENT**

7.1 This application seeks permission for the erection of an external canopy to the rear of Gaer Infant School to provide outdoor learning and play space for children of nursery age.

7.2 This canopy is to be sited adjacent to a modern single storey classroom with brick wall and large areas of glazing. It is proposed to erect the canopy on the south-east (rear) elevation of the building.

7.3 The canopy would project 4 metres from the building and would be 32 metres wide. It would have a shallow pitch with a height of between 3.1 and 3.4 metres. It would sit adjacent to the rear elevation and just below the level of its existing roof eaves. The canopy is proposed to be constructed from free standing timber posts with an opal tint polycarbonate roof sheets.

7.4 The applicant has provided justification for the canopy, noting:

*“All Foundation Phase pupils have an entitlement to access outdoor leaning at all times. Due to the nature of the special school environment the pupils’ learning difficulties mean that they are working at Foundation Phase levels and experiencing a Foundation Phase curriculum regardless of age. In addition all classes include a spread of age groups and pupils are grouped by need not age, and as such some foundation phase pupils will each year be placed in classes on the old pupils’ corridor and will need that access.”*

7.5 It is considered that the proposed canopy, by virtue of size, design and location would relate sympathetically to its surroundings and would not be a prominent or incongruous addition to the building.

7.6 The site is an existing school playground and the proposal is not considered to result in any additional impact with regard to noise. The closest dwelling to the canopy is approximately 80 metres away on Browning Close, with the Gaer Primary School fields situated in-between. Given its single storey scale and the distance from neighbouring properties it is not considered that it would have a detrimental impact on local residential amenity by way of overbearing impact, loss of light or loss of privacy or noise.

7.7 Gaer Primary School is a Grade II Listed Building, it is situated 70 metres to the south of the new canopy, with School fields situated in-between as such it is not considered to have any impact on the character and setting of the listed building.

#### **8. OTHER CONSIDERATIONS**

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

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

## 8.2 **Equality Act 2010**

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

## 8.3 Having due regard to advancing equality involves:

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

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

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

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

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

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

## 9. **CONCLUSION**

### 9.1 Having regard to policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015), it is considered that the proposed canopy would be acceptable in terms of its size, design and impact on local visual and residential amenity. As such, it is recommended that planning permission is granted with conditions.

## 10. **RECOMMENDATION**

### **GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents: Floor and Roof Plan Proposed; Proposed & Current Front Elevation; Proposed & Current Left Side Elevation and Proposed & Current Right Side Elevation.

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

### NOTE TO APPLICANT

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

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

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