

Report

Planning Committee

Part 1

Date: 5 June 2019

Subject **Planning Application Schedule**

Purpose To take decisions on items presented on the attached schedule

Author Head of Regeneration, Investment and Housing

Ward As indicated on the schedule

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

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

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

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

Action by Planning Committee

Timetable Immediate

This report was prepared after consultation with:

- Local Residents
- Members
- Statutory Consultees

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

Background

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

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

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

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

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

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

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

Financial Summary

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

Risks

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

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

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

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

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

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

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

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

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

Through development management decisions, good quality development is encouraged and the wrong development in the wrong places is resisted. Planning decisions can therefore contribute directly and indirectly to these priority outcomes by helping to deliver sustainable communities and affordable housing; allowing adaptations to allow people to remain in their homes; improving energy efficiency standards; securing appropriate Planning Contributions to offset the demands of new development to enable the expansion and improvement of our schools and leisure facilities; enabling economic recovery, tourism and job creation; tackling dangerous structures and unsightly land and buildings; bringing empty properties back into use; and ensuring high quality 'place-making'.

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

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

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

Options Available and considered

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

Preferred Option and Why

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

Comments of Chief Financial Officer

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

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

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

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

Comments of Monitoring Officer

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

Comments of Head of People and Business Change

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

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

Comments of Cabinet Member

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

Local issues

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

Scrutiny Committees

None

Equalities Impact Assessment and the Equalities Act 2010

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

Children and Families (Wales) Measure

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

Wellbeing of Future Generations (Wales) Act 2015

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

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

planning process is encouraged in order to ensure that the views of key stakeholders are taken into consideration.

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

Crime and Disorder Act 1998

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

Consultation

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

Background Papers

NATIONAL POLICY

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

PPW Technical Advice Notes (TAN):

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

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

Welsh Government Circular 016/2014 on planning conditions

LOCAL POLICY

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

Supplementary Planning Guidance (SPG):

- Affordable Housing (adopted August 2015)
- Archaeology & Archaeologically Sensitive Areas (adopted August 2015)
- Flat Conversions (adopted August 2015)
- House Extensions and Domestic Outbuildings (adopted August 2015)

Houses in Multiple Occupation (HMOs) (adopted August 2015) (updated January 2017)
New dwellings (adopted August 2015)
Parking Standards (adopted August 2015)
Planning Obligations (adopted August 2015)
Security Measures for Shop Fronts and Commercial Premises (adopted August 2015)
Wildlife and Development (adopted August 2015)
Mineral Safeguarding (adopted January 2017)
Outdoor Play Space (adopted January 2017)
Trees, Woodland, Hedgerows and Development Sites (adopted January 2017)
Air Quality (adopted February 2018)

OTHER

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: 18/1231 **Ward:** *RINGLAND*

Type: FULL (MAJOR)

Expiry Date: 06-JUN-2019

Applicant: *POBL GROUP*

Site: *LAND SOUTH OF 24 TO 32, TREBERTH CRESCENT, NEWPORT*

Proposal: CONSTRUCTION OF THREE TO FOUR STOREY BUILDING COMPRISING 45NO. OLDER PERSONS APARTMENTS, COMMUNITY BUILDING (D2 USE), CAR PARKING AND ASSOCIATED WORKS

Recommendation:

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

1. INTRODUCTION

- 1.1 The proposal is for the construction of a 3 to 4 storey building containing 45 older person apartments with a community building, car parking and associated works and three storey apartment blocks with new access, parking, landscaping and associated works on this linear shaped site on the south-eastern side of Treberth Crescent.
- 1.2 The scheme proposed will offer accommodation for the over 55's with communal services and facilities to provide affordable living facilitating independence whilst also serving the wider community. A series of communal spaces are to be provided both internally and externally and the applicant has stated that the well-being of future residents has been taken into account in the relationship of the building with the surrounding landscape and communal areas.
- 1.3 The application site is located within the Treberth estate, accessed off Chepstow Road, and forms part of the Treberth regeneration area, which involved the redevelopment of the former prefab estate and the provision of new build bungalows. The 6 pre-existing, pre-fabricated bungalows and garages on the application site were demolished and the replacement bungalows within the wider estate have been completed and occupied. The topography of the site falls from north to south. To the north the site is bound by Treberth Crescent, to the east by dwellings fronting on to Treberth Crescent and to the south by vegetation alongside a small stream. Beyond the stream is a large area of designated public open space, known as 19 hills. Finally, to the west, by dwellings fronting on to Treberth Crescent and Bishpool Avenue.
- 1.4 The site, until recently, had planning permission for 58 flats (application 10/0519) and was therefore designated within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) as a housing site (ref H1(57)). Although this permission has now expired, the form and design of the approved scheme will hold some weight in terms in the determination of this application. Since the demolition of the original bungalows, the site has remained as an open piece of land at the southern end of the estate with public access currently prevented by heras fencing. Although the designation within the Plan is not a guarantee that the site will gain planning permission, there have not been any changes in the circumstances of the site and the principle of the proposed development therefore remains acceptable.
- 1.5 The layout of the proposed apartment buildings are dictated by the site constraints and thus the layout is similar to that previously approved in terms of adopting a linear form from east to west with a car park at the south-western most end of the site, which is crossed by 3no. Dwr Cymru Welsh Water sewers.

- 1.6 The proposed structure is formed of 3no. linked blocks. Each block is formed by a two-storey flat roofed element fronting onto Treberth Crescent. The main building, which is set back from the highway, rises to three storeys behind these elements. The eastern and central blocks are almost entirely residential with the western-most block housing a community hub, including a physio and salon at ground floor with residential above. This block is linked to the central block by a second floor walkway, which was an outcome of the applicant's negotiations with Dwr Cymru Welsh Water to ensure access to their apparatus remained available. The building is to be constructed from brick and render with a contrasting grey rain screen cladding. Grass roofs are to be used for the projecting two-storey elements to the front elevations. A number of balconies are shown to the front and rear elevations and therefore the impact of these upon the residential amenities of the existing residential properties on the opposite side of Treberth Crescent must be considered.
- 1.7 Although the site is considered brownfield, there are a number of trees within and adjacent to the site and since the demolition of the pre-fabricated bungalows, there has been some subsequent naturalisation of the land. The impact of the proposal upon ecology will therefore form part of the consideration of this proposal.
- 1.8 The housing allocation for the site within the Local Development Plan is for 58 units, all affordable, and was derived from the previous approval. The scheme now proposes 100% affordable housing (in accord with TAN 2). Council policy (specified in the adopted Planning Obligations SPG 2015) stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations. As such, no planning obligations are requested.
- 1.9 The primary considerations in the determination of this application are its acceptability in terms of design, its impact upon residential amenity of existing residents of Treberth Crescent and future occupants of the proposal, the impact upon protected species and ecology and whether sufficient parking and highway safety standards can be met.

2. RELEVANT SITE HISTORY

10/0519	ERECTION OF 58NO. 3 PERSON, 2BEDROOM AFFORDABLE APARTMENTS FOR OLDER PEOPLE (60+) AND ASSOCIATED COMMUNITY FACILITIES	GRANTED WITH CONDITIONS
09/0719	ERECTION OF 52NO. APARTMENTS AND COMMUNAL SUPPORT FACILITIES WITH ASSOCIATED CAR PARKING	REFUSED
05/0740	DEMOLITION OF EXISTING PRE-FABS AND ERECTION OF 36NO. APARTMENTS AND COMMUNAL SUPPORT FACILITIES WITH ASSOCIATED CAR PARKING	GRANTED WITH CONDITIONS

3. POLICY CONTEXT

- Policy **SP1 Sustainability** favours proposals which make a positive contribution to sustainable development.
- 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 **SP10 Housing Building Requirements** states that provision is made for 11,623 units within the plan period in order to deliver a requirement of 10,350 units. The plan seeks to deliver 2,061 affordable units.
- Policy **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 **SP13 Planning Obligations** enables contributions to be sought from developers that will help deliver infrastructure which is necessary to support development.
- Policy **SP18 (Urban Regeneration)** supports development which assists the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land.
- Policy **GP1 General Development Principles – Climate Change** states that development should be designed to withstand predicted climate change and reduce the risks and consequences of flooding, minimise energy requirements, reuse/recycle construction material and meet the relevant BREEAM or Code for Sustainable Homes Level.
- Policy **GP2 General Development Principles – General Amenity** states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
- Policy **GP3 General Development Principles – Service Infrastructure** states that development will only be provided where necessary and appropriate service infrastructure either exists or can be provided. This includes power supplies, water, means of sewage disposal and telecommunications.
- Policy **GP4 General Development Principles – Highways and Accessibility** states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.
- Policy **GP5 General Development Principles – Natural Environment** states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.
- Policy **GP6 General Development Principles – Quality of Design** states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.
- Policy **H1 Housing Sites** lists sites allocated for residential development within the plan period.
- Policy **H2 Housing Standards** promotes high quality design taking into consideration the whole life of the dwelling.
- Policy **H3 Housing Density** seeks a density of at least 30 dwellings per hectare on sites of 10 dwellings or more.
- Policy **H4 Affordable Housing** sets out the affordable housing targets for the four submarket areas within Newport. For new housing sites of fewer than 10 dwellings within the settlement boundary, and fewer than 3 dwellings within the village boundaries, a commuted sum will be sought.
- Policy **H9 Housing Estate Regeneration** favours the regeneration or improvement of housing areas.
- Policy **T4 Parking** states that development will be expected to provide appropriate levels of parking.

4. CONSULTATIONS

- 4.1 WALES AND WEST UTILITIES: Wales & West Utilities has pipes in the area and apparatus may be affected and at risk during construction works. Should the planning application be approved then requires the promoter of these works to contact WWU directly to discuss requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

4.2 NEWPORT ACCESS GROUP: No response.

4.3 DWR CYMRU WELSH WATER: Only foul flows from the proposed development can be accommodated within the public sewerage system and the proposed foul connection point on to the existing 225mm onsite public combined sewer is acceptable in principle (as shown on drawing DR1 Rev B within the Drainage Strategy Report). No objections to the sustainable connection of surface water to the local watercourse via a new headwall (however, recommend LPA liaise with NRW in relation to the acceptability of this). Having reviewed the proposed site plan (drawing number: 003 Revision Q) DCWW note the applicant has acknowledged the development site is crossed by a number of public assets of which include: 9 inch foul sewer, 225mm combined sewer, 300mm combined sewer overflow & 375mm surface water sewer all of which have a 3 meter easement either side from the centreline of each sewer. DCWW have worked closely with the applicant and agreed in principle for a permanent second floor link that will be situated across the existing 375mm public surface water sewer. This has been agreed on the basis that the ground floor and first floor levels will be demountable so that there is suitable access and working height/width in the event of an emergency or required maintenance. This has been demonstrated in a 'Method Statement' of which we acknowledge the applicant has submitted with this application.

If the LPA are minded to grant Planning Consent for the above development that Conditions and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

SEWERAGE TREATMENT

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

WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development.

4.4 NATURAL RESOURCES WALES (NRW): Following the submission of additional information, NRW have removed a requirement that an undisturbed buffer a minimum of 7m wide is maintained/created between the development and the ree along the southern boundary of the site. NRW agree with Section 3.15 of the Extended Phase 1 Habitat Survey with regards to the validity of the single otter record.

NRW have reviewed the following report submitted in support of this application: -

- Pobl Group, Treberth Crescent, Newport, Extended Phase 1 Habitat Survey, prepared by Soltys Brewster, dated December 2018 and recommend that a condition is attached to any permission granted to ensure compliance with the method statement associated with this report.

There are two willow trees on site that were assessed as having moderate potential to support bat roosts. A further six trees, along the southern boundary are scheduled for removal as part of the development proposal and that further study of these trees would be required prior to any works on site. No evidence of use of the trees by bats was seen during the aerial survey and that it was recommended that the single large tree identified for removal (T1 Large Hazel) be soft felled under the method statement in Section 5.2 of the above report.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where bats are present, and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales,

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your 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.

In this instance, NRW considers that there should not be a detriment to the maintenance of the favourable conservation status of the species present, providing that the method statement set out in Section 5 – Conclusions and Recommendations, Part 5.2 of the above bat report are implemented.

Lighting

The submitted report identifies that a number of species of bat typically associated with urban edge habitats such as Pipistrelle and Brown Long Eared would utilise the reed and associated woodland for foraging and as a flight corridor. NRW therefore advise that the southern boundary buffer remains unlit and is maintained as a dark corridor in order to avoid potential disturbance to bats and otters. NRW therefore advise that a condition is attached to any permission granted to require the submission of a lighting plan ensuring the buffer remains unlit and a dark corridor is maintained.

4.5 REGIONAL AMBULANCE OFFICER: No response.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF LAW AND REGULATION (PUBLIC PROTECTION): Recommends that conditions are attached to any permission granted to require:

- The submission of a Construction and Environmental Management Plan;
- A noise assessment to be submitted demonstrating that noise emitted from plant and equipment within the development shall be controlled such that the rating level is 5db below background level, calculated in accordance with BS4142 (2014);
- a scheme of sound insulation works between the ground floor Commercial Café and the first floor residential units will be required to be submitted to and agreed in writing with the local planning authority;
- The submission of details of any flood lighting, and
- Details of fume extraction in the event hot food is cooked

SCIENTIFIC OFFICER:

Air Quality

To encourage the use of electric vehicles in an effort to reduce air pollution, and in line with planning policy Wales, it is recommended at least 10% of the parking spaces are installed with electric vehicle charging points.

Contaminated Land

The submitted report(s) recommend gas protection measures in line with Characteristic Situation 2 and a capping layer of 600mm in private garden/landscaped areas with a demarcation layer (geotextile membrane) between the capping layer and the made ground beneath. Agrees with the findings and recommendations of the report and recommends that a condition is attached to any planning permission granted to require the chemical testing of any capping material and its subsequent verification.

5.2 HEAD OF REGENERATION, INVESTMENT AND HOUSING (PLANNING CONTRIBUTIONS): The S106 obligations below are based upon the assumption that all the dwellings are affordable. As such, Council policy stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations.

Affordable Housing

Should the developer decide to sell or rent the properties on the open market there would be a requirement for 20% affordable housing provision on-site (mix and type to be agreed with the Council). Alternatively, in exceptional circumstances, an off-site commuted sum could be agreed (in accord with the most up-to-date Affordable Housing SPG) for the provision of affordable housing for the City of Newport.

Education

The development falls within the catchment area of Llanwern High School and Ringland Primary School and Ysgol Gynradd Gymraeg Casnewydd. Whilst it is recognised that no education contribution is requested for affordable housing, it is necessary to build-in safeguards to ensure that if any of the dwellings are sold or rented on the open market, the following formula will be applied:

- Number of secondary pupils generated by market dwellings (prior to commencement of development) in excess of available capacity at Llanwern High School x £15,302 = Secondary Education Sum;
- Number of post 16 pupils generated by market dwellings (prior to commencement of development) in excess of available capacity at Llanwern High School x £16,427 = Post 16 Education Sum;
- Number of primary pupils generated by market dwellings (prior to commencement of development) in excess of available capacity at Ringland Primary School and Ysgol Gynradd Gymraeg Casnewydd.x £16,115 = Primary Education Sum.

Prior to commencement of the development, the Owner and/or developer will notify the Council in writing of the number and type of dwellings which are to be 'open market' dwellings

All Education Sums will be index linked to the BCIS and paid in instalments (to be agreed)

Leisure

There is a deficit of equipped and formal play provision within the Ringland Ward.

Whilst it is recognised that no leisure contribution is requested for affordable housing dwellings, it is necessary to build-in safeguards to ensure that any dwellings sold or rented on the open market, will be subject to leisure planning obligation contributions. As such, any 'open market' dwellings will be subject to a financial leisure contribution, based on the following formula:

- Number of one bed 'open market' apartments (prior to commencement of development) x £1,821;
- Number of two bed 'open market' apartments (prior to commencement of development) x £3,816;

Prior to commencement of the development, the Owner and/or developer will notify the Council in writing of the number and type of dwellings which are to be 'open market' dwellings

5.3 HEAD OF REGENERATION, INVESTMENT AND HOUSING (PLANNING POLICY): The delivery of this housing commitment is supported, subject to satisfactory comments being received from the relevant consultees.

5.4 HEAD OF REGENERATION, INVESTMENT AND HOUSING (HOUSING STRATEGY MANAGER): The Housing Department fully supports the above named application for the provision of a new over 55's scheme at Treberth, following on from the very successful development at Bryn Gaer. This area of land is the remainder of the land transferred as part of the prefab redevelopment programme. Local residents of the new bungalows have required a community facility for some time and this new development will provide this opportunity, as well as providing much needed one and two bed room apartments. The development is also supported by the Regional Partnership Board and Welsh Government who feel this building will provide an ideal opportunity for delivery of outreach services for example podiatry, not only to the residents of the apartments but the wider community too.

5.5 HEAD OF CITY SERVICES (HIGHWAYS): Satisfied that visibility along Treberth Crescent for each of the access points will be achievable in accordance with Manual For Streets.

On the basis that the proposal will consist of self-contained elderly persons dwellings (not wardened) the proposed level of residential and visitor parking is considered acceptable.

The community hub will consist of a community room, tea bar, physio room and wellbeing salon and will not be for exclusive use of the residents of the proposed site. The parking demand for these uses must therefore be assessed independently in accordance with the Newport City Council Parking standards. It must also be demonstrated that delivery vehicles associated with these facilities can be accommodated off the highway and that suitable space is available for turning to allow for access and egress of the highway in a forward gear.

The proposed access opposite the junction with Treberth Way is not acceptable and considered detrimental to highway safety. The access may result in confusion at the junction and also vehicles are likely to cut across the junction when exiting the proposed site and travelling along Treberth Way to Chepstow Road. The availability of forward visibility along Treberth Way is reliant upon third party land and boundary treatment and therefore cannot be guaranteed in perpetuity.

Should planning permission be granted then the following conditions will be required:

- Submission of a CEMP which includes such details as wheel wash facilities, dust suppression, contractor parking and compound.
- Suitable drainage being employed to prevent surface water run off onto the adopted highway.

The applicant must also note that a S278/111 agreement will be required for any works which will take place within the adopted highway. No works can take place until the agreement is in place and approval has been provided by the highways authority.

5.6 HEAD OF CITY SERVICES (ACTIVE TRAVEL CO-ORDINATOR): To encourage the use of cycles and active modes of transportation, the developers should provide safe and efficient routes for residents and visitors to actively travel (walk and cycle) within and beyond the boundaries of the site to access the site itself, services, facilities, schools, workplaces, public open spaces, green spaces, the wider natural environment and other destinations. Such routes should connect with, but not be limited to, existing and future active travel routes (outlined in Newport City Council's Existing Route Maps and Integrated Network Maps). Such requirements are in accordance with Newport's Local Development Plan, the Active Travel (Wales) Act and Newport's Well-being Plan. Listed the following requirements and aspirations:

1. Provide a comprehensive assessment, of suitable active travel (walking and cycling) routes that connect the site to key destinations surrounding the site (local businesses, services, facilities, parks, green spaces, etc.). There is mention within the Transport Statement of a Travel Plan; however, I am unable to find such a document within the materials provided – can you please provide this Travel Plan/comprehensive assessment?
2. As for cycle parking, where will the 8 cycle stands (4 long stay cycle stands and 4 short stay cycle stands) be located? The current proposed location of the “cycle store” is not suitable, as it is not located in a visible and accessible location. Cycle parking should be located in areas that are visible, accessible, and safe. Particularly for short-stay visitors, cycle parking should be located near the main entrance of the building – this will provide natural surveillance and encourage active travel.
3. The community hub must also provide cycle parking for short and long stay near the entrance of the establishment. Please refer to Newport City Council's Parking Standards and amend cycle parking within the proposed site plans accordingly.
4. Due to the increase in vehicles this proposed development will bring (visitors and residents), we would look for a Section 106 contribution in the amount of £75k towards resurfacing an active travel route south of the proposed site.

5.7 HEAD OF CITY SERVICES (WASTE): There are bin store provisions either side of the development with the smaller being just approximately 3 meters by 4 meters. This may not be adequate for a development and facilities of this size.

5.8 HEAD OF CITY SERVICES (LEISURE): No response.

- 5.9 HEAD OF CITY SERVICES (LANDSCAPE): The development proposes a large building mass and height in an area of low rise housing. Retention of site vegetation and delivery of a high quality landscape scheme will be important in mitigating visual impacts.

The proposals are very tight onto the east boundary with neighbouring property. Issues may include:

- whether car parking adequately allows for vehicle over-run;
- insufficient width for a planted buffer;
- height of cycle shed will appear above the fence line with bin storage area nearby views in from the south are not assessed in the application but part of the elevation and roof line will be visible above the existing wooded boundary;
- It is important to retain as much of the tree and shrub cover to the south. Issues affecting retention which are not concluded in the information submitted include:
- impact of the gabion basket walls and regrading of levels on the wildlife buffer vegetation is not clear;
- impact of the 2.4m high fence to south boundary will require branch raising, the impact on the vegetation band is not clear,
- some impacts will extend beyond the red planning application line – the land ownership boundary is not clear.

The following is required:

- The proposal should meet the requirements of GP5 General Development Principles Natural Environment vi: 'the proposal includes an appropriate landscape scheme.....'.
- Professional landscape architect input is required to provide a detailed planting plan. To include consideration of replacement planting within the wildlife buffer dependent on the wildlife and amenity objectives.
- Reconsideration of the fence alignment to the south to create a buffer zone for wildlife along the stream corridor rather than following the landownership boundary
- Wildlife and tree protection plan for the construction phase, to include breaks in the fence
- line for wildlife movement if required.
- Post construction maintenance and management plan including existing site vegetation, new planting, and objectives for the wildlife buffer.

- 5.10 HEAD OF CITY SERVICES (TREES): No issues or objections.

- 5.11 HEAD OF CITY SERVICES (ECOLOGY): Confirms satisfaction with the level of survey that has been carried out. The aerial survey has resulted in the potential for bats in the aerial surveys to be downgraded from moderate to low; notwithstanding any requests from NRW, no further information is required. The trees should be felled under a precautionary method of works which should be secured using a pre-commencement condition; it may be suitable to include this in a CEMP, as per comments dated 20/02/19.

The site itself does not support any priority habitats, but it is adjacent to a tree lined reen. NRW have indicated that they are happy with the buffer between the development and the reen. As per the recommendations of the report, a Construction Environmental Method Statement (Biodiversity) will be required to reduce potential impacts on the reen during the construction period. A lighting scheme to ensure there is no light spill on to the reen will be required, in line with comments from NRW.

There is habitat on site suitable to support common reptile and amphibians, nesting birds and priority mammals such as hedgehog. I am satisfied that due to the scale of the proposals it is proportionate to assume the presence of reptiles and control the risk by securing a reptile mitigation strategy. This can form part of the CEMP. Timing to avoid nesting birds and methods to reduce risk to hedgehogs should also be identified in the CEMP.

- 5.12 HEAD OF CITY SERVICES (DRAINAGE): Whilst the application is major, the site is located in Flood Zone A and according to the NRW Development Advice Mapping (DAM), there is

no specific requirement to provide a Flood Consequence Assessment (FCA). However, the area to the north west of the application site is subject to risk of flooding from off-site surface water which appears to flow from higher elevation in the north to lower land in the south towards the Liswerry Pill reën. Land raising is also proposed near the north bank of Liswerry Pill Rhine situated on the southern site boundary which is likely to require Land Drainage Consent from the LLFA.

Similarly, the new surface water drainage outfall structure discharging to the Liswerry Pill reën will require land drainage consent with calculations demonstrating that the rate and velocity of discharge will not adversely affect the stability of the stream bank and the structure itself will not impede the flow within the main watercourse channel.

A drainage strategy has been provided however, there are a number of inconsistencies and omissions in relation the surface water management strategy that will need to be clarified and provided by the applicant. We would therefore **Object** to the proposals, subject to the provision of the following information:

- Basic calculations of the existing greenfield/ brownfield run-off calculations and discharge rates have not been provided as part of the Drainage Strategy. The Applicant is required to submit calculations in accordance with an accepted method of calculation e.g. IH 124 method.
- A quick storage estimate calculation is required to demonstrate the required storage volume of surface water on site;
- it is noted that the proposed storage tank is currently shown within an area allocated for car parking to the north east of the application which is currently situated at a higher elevation than lower parts of the development to the south. The applicant is required to demonstrate that the lower parts of the development catchment can be effectively routed through the storage tanks;
- Surface water drainage calculations for the proposed development must be provided that allow for current guidance on climate change and urban creep;
- A contributing area plan should be provided that clarifies the impermeable catchment on the proposed development. The catchment area plan must be consistent with the microdrainage calculation output;
- Evidence that due consideration has been given to the ongoing operation & maintenance of the surface water drainage strategy for the life time of the development;
- We note that an oil interceptor appears to be proposed at the eastern end of the development serving small area of vehicular parking. However no similar interception facility is currently shown at the western end where a larger area of car parking is proposed. The applicant should provide a risk assessment to demonstrate the requirement for including and omitting the environmental protection measures along with evidence of ongoing operation and maintenance;
- NRW Flood Risk Mapping indicates that the area to the north and west of the application site and currently proposed for car parking and as the location of the attenuation tank is currently subject to risk of surface water flooding from off-site sources and also acts as an overland flood corridor to the Liswerry Pill Rhine;
- Surface water drainage calculations should demonstrate that incoming surface water flooding will not compromise the capacity of the development surface water drainage system leading to an unacceptable level of flood protection. Furthermore the Applicant is required to demonstrate that the development will not result in the redirection or obstruction of overland surface water flows that would consequently increase the risk of flooding to the development and/or adjoining properties.

5.13 HEAD OF ADULT AND COMMUNITY SERVICES (ADULT SOCIAL SERVICES): No response.

6. REPRESENTATIONS

6.1 NEIGHBOURS: 57 neighbours who live within 50 metres of the application site were consulted and a site notice was displayed on Treberth Crescent near to the community notice board which is adjacent to the application site. One letter of objection has been received and the comments within them are summarised below:

- The T1 Willow tree is a landmark tree and is of great importance and biodiversity;

- Parking spaces could be repositioned to allow its retention;
- The developer has made no attempt to retain the tree or incorporate it into landscaping
- The removal of T1 contravenes one of the seven well-being goals of the Future Generations (Wales) Act namely 'A resilient Wales'.

6.2 COUNCILLORS: No comment.

7. ASSESSMENT

7.1 As stated above, the principle of the use of the site for residential development of this nature is acceptable and the Head of Regeneration, Investment and Housing (Housing Strategy) has confirmed the need for this type of accommodation in the estate and for community facilities for existing residents. Currently community facilities are provided in a steel cabin located on the application site.

Design and Impact on Residential Amenity

7.1 The previous application for development of this site was for a similar development with 58no 2 bedroom units for use as older persons accommodation. It ranged between 2 – 4 storeys in height with a maximum height of 15.6m immediately opposite existing properties at Treberth Crescent.

7.2 The proposal ranges between 2 and 3 storeys to its front elevation and 4 in the rear. It reaches a maximum height of 14.5m, although from Treberth Crescent the maximum height visible will be approximately 11.5m with the 2-storey elements closest to the highway reaching a height of approximately 8m.

7.3 The proposal has been amended since its initial submission to incorporate a second storey walkway between the main building and western community block. This feature is a result of the applicant's negotiations with Dwr Cymru Welsh Water and is necessary to ensure access to the water sewer which crosses the site in an emergency, whilst preventing this block becoming detached from the main building. In design terms this elevated walkway is not ideal but there is benefit from the connectivity it offers between the 2 buildings.

7.3 The proposal comprises a mix of 1 (18no.) and 2 (27no.) bedroom dwellings at a density of 67 units per ha. The reduction in units has had the added benefit of reducing the overall scale of the proposal which results in a more favourable design with a reduced impact on the properties on the opposite side of Treberth Crescent. The reduction in the number of units compared to the previous scheme and the allocation within the LDP is justified by the applicant by the fact that the development is now 100% affordable and the proposed number of units allows for the development to remain viable whilst meeting quality standards. Policy H3 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) states that residential development of 10 or more dwellings should be built at a density of at least 30 per hectare and should provide a mix of housing. The proposed density exceeds this and therefore complies with Policy H3.

7.4 Properties within the area, and notably opposite the site, are formed of single storey bungalows. The previously approved scheme would have had a greater impact on the amenities of the residents of these properties owing to its height and proximity to dwellings at Treberth Crescent. In this proposal, elements of the building which are to be directly opposite the existing bungalows have been reduced to two rather than three storeys which is considered to be of a more domestic scale and not overbearing to the single storey dwellings along Treberth Crescent. Distances of in excess of 21m have also been maintained between the existing and proposed properties. The set back of the third storey will reduce the perceived overlooking and use of a flat, grassed roof helps to minimise the impact of the apartment buildings within the streetscene and context of the wider area.

7.5 Balconies are proposed at first floor level and facing Treberth Crescent. Despite the set-back from the highway and distance between the balconies and properties at Treberth Crescent, there is a risk that there could be an adverse harm to the residential amenities of the existing

occupiers of the bungalows through loss of privacy. It is considered that this could be resolved through the use of screening to the balconies fronting Treberth Crescent and details will be required by condition if planning permission is granted.

7.6 The Supplementary Planning Guidance for New Dwellings states that new one bedroom flats should have a minimum gross internal floor space of 50 square metres whereas 2 bedroom flats should have 60 square metres. Generally, the one bedroom units measure 49 square metres and the 2 bedroom units measure 63 square metres. All of the apartments have either access to an external terrace or balconies measuring 1.5 x 3m which exceeds the SPG requirements. The SPG also requires 13 square metres of external amenity space per occupant. There is no indication whether units will be single occupancy, however, if calculated using number of bedrooms there is a total requirement for 936 square metres of community amenity space. Externally, a communal garden area is proposed to the rear which spans the length of the building with a central landscaped area. An external seating area is proposed to the rear of the communal building. Beyond the communal hub within the western block, there are communal lounges located centrally within the main building at first and second floors with a garden room with external access on the lower ground floor. The development exceeds the communal space requirement externally but in this instance the community hub and internal communal spaces will also contribute towards the total offering. A gabion retaining wall is proposed at the boundary of the communal gardens with the adjacent landscape buffer with the allocated open space beyond providing an attractive outlook. The space to the front of the main building is proposed to be partly enclosed by a 900mm high brick wall with railings with hedge to the development side. The proposed apartments are laid out in a logical manner with adequate levels of light into living areas and more than the SPG required amount of external amenity space. The set back of the ground floor apartments from the public highway, combined with the front boundary wall will provide an acceptable level of privacy whilst ensuring all residents are able to enjoy a private amenity area.

7.7 Policy SP12 states that new community facilities will be encouraged in sustainable locations and should be designed to retain or enhance existing facilities. It is understood that existing community facilities are provided in a steel demountable on the site and the Head of Regeneration, Investment and Housing (Housing Strategy) has confirmed the need for community facilities in this location. The proposed community hub represents improvement on the current provision in the locality and will primarily serve the immediate area. It will encourage cohesiveness and the well-being of the wider estate and is viewed as a positive feature of this development.

Public Protection

7.8 Owing to the proximity of existing and proposed residential properties, it is considered necessary to attach conditions to any permission granted to limit the hours of operation of the centre. It is not considered necessary to attach a condition requiring the submission of details of fume extraction owing to the removal of the A3 element from the proposal.

7.9 The Head of Law and Regulation (Public Protection) has requested that a condition is attached to any permission granted requiring the submission of a noise assessment demonstrating that the noise emitted from plant and equipment with the development shall be controlled such that the rating level is 5db below background level. A noise assessment is not necessary in this instance and instead a condition will be imposed simply restricting noise to the specified limit. It has also been requested that a scheme of sound insulation works between the ground floor of the community hub and first floor residential units is required to ensure there is no harm to residential amenity, however, the provision of floor/ceiling insulation is addressed at the Building Regulations stage of development and so no additional provision is required. A condition will however be attached to any planning permission granted to ensure that details of any flood lighting to be erected to be first submitted to and agreed in writing by the Local Planning Authority and that a Construction and Environmental Management Plan is agreed in writing by the Local Planning Authority.

7.10 A Site Investigation Report (11806/RB/16/SI) and Supplementary Site Investigation (6 February 2019) has been submitted for consideration. The Head of City Services (Public Protection – Scientific Officer) agrees with the conclusions of the report and recommends

that a condition is attached to any planning permission granted to require the chemical testing of any capping material and its subsequent verification.

Landscaping and trees

- 7.11 South of the application site is an area of allocated open space with the existing site boundary being defined by a row of dense vegetation and trees. There are a small number of trees within the site which are proposed to be removed as part of the application. A neighbour objection has been received in respect of the removal of a willow tree on the site of the proposed western car park.
- 7.12 It is proposed to provide an expanse of lawn from east to west and fronting onto Treberth Crescent as well as to the western side of the main building with planted areas either side of the central entranceway. Hedging is proposed to be planted adjacent to the highway. To the rear, more lawns are provided with a central terrace with areas of planting. A wildlife buffer of varying width is to be provided between the proposed rear gardens and rear, vegetated boundary.
- 7.13 The willow tree referred to in the submitted objection letter is identified in the submitted Tree condition Survey as a poor specimen and its retention would require substantial pruning. The Head of City Services (Trees) has not objected to the proposal or made any recommendations. It is however considered necessary to attach a condition to any permission granted to ensure the submission of a tree protection plan for the construction phase of development.
- 7.14 The Head of City Services (Landscape) has not objected to the proposal but has stated that a detailed planting plan will be required which will include consideration of replacement planting within the wildlife buffer dependent on the wildlife and amenity objectives and that a management and maintenance plan is agreed including existing site vegetation, new planting, and objectives for the wildlife buffer. It is considered possible to request this information via a condition attached to any planning permission granted as the scheme represents an improvement on the current landscape condition of the site and it is not considered to have an adverse impact upon the wider landscape beyond the application site as the majority of the tree cover to the southern boundary is to be retained with the proposal having a similar impact upon the landscape, when viewed from the south, as the previously approved scheme.

Ecology

- 7.15 NRW have removed their original requirement for a 7 metre buffer to the south of the application site following negotiation with the developer. The 7m requirement is a standard request to allow for maintenance of watercourses and a watercourse runs along the southern boundary of the site. The submitted plans show an ecological buffer is proposed. It exceeds 7m in some parts but it reduced to 1.5m at its narrowest point. It is proposed to plant up the buffer with wildlife friendly plant species which will require limited maintenance and which will be inaccessible to residents.
- 7.16 At the request of NRW, a further survey was carried out to assess the impact of the development on bats. The submitted addendum report (March 2019) identified that two mature willow trees on site have moderate potential to support roost bats. The aerial survey has resulted in the potential for bats in the aerial surveys to be downgraded from moderate to low. There was no evidence of the use of these trees by bats and it was recommended that the single large tree identified for removal (T1 Large Hazel) be soft felled under the method statement in Section 5.2 of the above report. In this instance, NRW considers that there should not be a detriment to the maintenance of the favourable conservation status of the species present, providing that the method statement set out in Section 5 – Conclusions and Recommendations, Part 5.2 of the above bat report are implemented. In a previous response, it was also recommended that any permission granted should be subject to a condition to ensure compliance with method statement associated with the submitted Extended Phase 1 Habitat Survey, dated December 2018.
- 7.17 The Head of City Services (Ecology) has confirmed satisfaction with the level of survey that has been carried out and has advised that the trees should be felled under a precautionary method of works and that the development should be carried out in accordance with the

recommendations of the report, which is consistent with the requirements of NRW. A lighting scheme to ensure there is no light spill on to the reën will be required, in line with comments from NRW.

- 7.18 There is habitat on site suitable to support common reptile and amphibians, nesting birds and priority mammals such as hedgehog. The Head of City Services (Ecology) is satisfied that due to the scale of the proposals it is proportionate to assume the presence of reptiles and control the risk by securing a reptile mitigation strategy. This can form part of a biodiversity CEMP. Timing to avoid nesting birds and methods to reduce risk to hedgehogs should also be identified in the CEMP.

Provision of affordable housing and housing estate regeneration

- 7.19 Policy SP18 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) states that proposals will be favoured which assist the regeneration of the urban area. The proposal will provide an important element in the regeneration of the Treberth Estate development whilst also assists in contributing to the affordable housing land supply requirement in Newport set in SP10 (House Building Requirements) by contributing a net gain of 45 units, although it is acknowledged that this is not at the level originally allocated for the site within the Development Plan.
- 7.20 Policy H9 (Housing Estate Regeneration) also favourably considers the regeneration or improvement of housing areas where they are undertaken in a comprehensive manner, protect open space and the setting of the estate, widen tenure options where they are limited and encourage the development of community use where appropriate. The proposal will not encroach into the open space behind the existing development site and will provide a valuable community facility within the estate whilst meeting a need for 1 and 2 bedroom dwellings in the locality and is therefore considered to comply with Policy H9.

Section 106 Planning Obligation matters

Summary

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

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
<i>Regeneration, Investment and Housing</i>	<i>To provide on-site affordable housing</i>	20% affordable housing provision on-site	<i>As requested</i>	<i>No</i>
Education	<i>To mitigate for the impacts of increased rolls on local schools</i>	<ul style="list-style-type: none"> Number of secondary pupils generated by market dwellings (prior to commencement of development) in excess of available capacity at Llanwern High School x £15,302 = Secondary Education 	As Requested	No

		<p>Sum;</p> <ul style="list-style-type: none"> Number of post 16 pupils generated by market dwellings (prior to commencement of development) in excess of available capacity at Llanwern High School x £16,427 = Post 16 Education Sum; Number of primary pupils generated by market dwellings (prior to commencement of development) in excess of available capacity at Ringland Primary School and Ysgol Gynradd Gymraeg Casnewydd.x £16,115 = Primary Education Sum. 		
Leisure	<i>To mitigate for the increased demand for public open space and play facilities</i>	<ul style="list-style-type: none"> Number of one bed 'open market' apartments (prior to commencement of development) x £1,821; Number of two bed 'open market' apartments (prior to commencement of development) x £3,816 	As Requested	No

Heads of Terms Agreed by Applicant

The scheme is for 100% affordable accommodation, the applicant has agreed the heads of terms in full in the event that any of the intended affordable units are sold on the open market.

Highways and Parking

7.22 3 areas of parking, all accessed from Treberth Crescent, are proposed within the application site: 6 spaces and a cycle shelter in a parking area close to the eastern boundary of the site; 4 disabled spaces positioned at the main entrance and the aforementioned western parking area which will contain 31 spaces, including 5 further disabled spaces. 41 spaces are provided in total. The location of the car parks correspond with the position of the 3 site entrances opposite no 32 Treberth Crescent, opposite the junction at Treberth Way and opposite 24 Treberth Crescent. Footways between the access points will tie-in to existing footway provisions on Treberth Crescent with onward connectivity to bus stops on Chepstow Road, a local convenience store and wider residential areas with pedestrian access available to Ringland Centre via an existing link with Nelson Drive.

7.23 The Head of City Services (Highways) is satisfied that visibility along Treberth Crescent for each of the access points will be achievable in accordance with Manual For Streets and that the proposed level of residential and visitor parking is considered to be acceptable for non-wardened, self-contained, elderly persons dwelling. For unwardened self-contained elderly persons accommodation the parking standards require 1 space per 2 to 4 units resulting in

a requirement of 22 to 34 spaces. The proposal exceeds this requirement by 7 spaces. The applicant is also considering the provision of an electric vehicle club car to reduce the parking demand by residents further whilst proposing to install electronic vehicle charging points to 20% of parking spaces, which is 10% more than the number required by the Head of Law and Regulation (Public Protection – Scientific Officer) and will encourage the use of low-carbon vehicles.

- 7.24 The community hub however will consist of a community room, tea bar, physio room and wellbeing salon and will not be for exclusive use of the residents of the proposed site. The parking demand for these uses must therefore be assessed independently in accordance with the Newport City Council Parking standards. The Head of City Services (Highways) has also stated that it must be demonstrated that delivery vehicles associated with these facilities can be accommodated off the highway and that suitable space is available for turning to allow for access and egress of the highway in a forward gear.
- 7.25 The NCC parking Standards suggest that for Assembly halls (social) e.g. community centre, one commercial parking space should be provided in addition to one space per 10m² for non-operational vehicles. This equates to a total requirement of 26 spaces to serve the community hub (circa 100m²) and therefore a total of 48-60 spaces to serve the full development. In response to the concerns of highways officers, the applicant has directly addressed these comments and has submitted evidence to suggest that very few visitors will travel to the site by car and in another similar development in Newport, the community hub there is frequented by residents and those living within 250 metres. Visitors who live in such close proximity to the facilities are unlikely to drive and therefore it is unlikely that there will be any significant increase in parking demand from visitors to the community hub. The applicant has advised that there will generally be one or two staff members on site during daytime hours associated with the tea bar, physio room and wellbeing salon and maintains that, owing to the proximity of public transport and cycling routes, there is likely to be a maximum demand for 2 no. parking spaces by staff, which can be accommodated within the existing parking provision. It is agreed that the visitors to the community hub are, in the main, likely to be local residents but it is considered that it could attract those from further than 250m away and could generate a small amount of associated traffic. However, there are no parking restrictions along Treberth Crescent and a high availability of on-street parking and it is therefore considered that Treberth Crescent and the surrounding streets could accommodate any additional parking demand.
- 7.26 The Head of City Services (Highways) also considers that the proposed access opposite the junction with Treberth Way is not acceptable and considered detrimental to highway safety by resulting in confusion at the junction. It has also been stated that vehicles are likely to cut across the junction when exiting the proposed site and travelling along Treberth Way to Chepstow Road. The availability of forward visibility along Treberth Way is reliant upon third party land and boundary treatment and therefore cannot be guaranteed in perpetuity. The submitted site plan, confirms the location of the entrance to the site as opposite Treberth Crescent. However, owing to the moderate size of the access, its surface treatment and the use of low level boundary treatment either side of the access and extending along Treberth Crescent and across the front of the site, it is unlikely that it will be mistaken for part of the highway. Visitors exiting the site will logically travel northwards along Treberth Way to reach Chepstow Road. Forward visibility is unlikely to be impeded by no. 20 Treberth Crescent as permitted development rights within classes A to E of the Town and Country Planning (General Permitted Development) Order 1995 were removed under permission 03/0649 for the regeneration of the estate and construction of the bungalows, including no. 20. Furthermore, owing to the road layout and relatively low density of development, it is unlikely that vehicles will be travelling at high speeds along Treberth Crescent towards the site entrance, southwards along Treberth Way or from the entrance itself and therefore use of the entrance is not considered to pose a harm to highway safety or contrary to policies GP2 or GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).
- 7.27 Concern has also been expressed with regards to the lack of evidence to confirm that delivery vehicles can enter and leave the site in a forward gear. It is unlikely that the community hub is unlikely to generate deliveries from vehicles of any significant size and those that cannot enter the site are able to be accommodated within the highway.

- 7.28 The Head of City Services (Highways) has requested that should planning permission be granted then the conditions will be required for the submission of a CEMP which includes such details as wheel wash facilities, dust suppression, contractor parking and compound and for suitable drainage being employed to prevent surface water run off onto the adopted highway. Details of an oil interceptor will also be required for the western car park.
- 7.29 The Active Travel Coordinator has requested that a comprehensive assessment of suitable active travel routes that connect the site to key destinations is submitted. However, the submitted Transport Assessment addresses the 'non-car travel credentials of the site' and identifies the position of nearby services in relation to the application site. It is Welsh Government policy to require the use of a sustainable transport hierarchy in relation to new development, which prioritises walking, cycling and public transport ahead of the private motor vehicles. The transport hierarchy in Planning Policy Wales (ed. 10) recognises that Ultra Low Emission Vehicles also have an important role to play in the decarbonisation of transport. The submitted Transport Assessment identifies that the majority of people visiting the site to use the community hub will live within 250m and will arrive on foot, encouraged by the good quality footways which are suitable for wheelchairs and exist within the estate and between Treberth Crescent and Chepstow Road. There are also pedestrian links with the Ringland Estate, offering a more direct route than vehicular travel. The Transport Assessment also recognises that whilst there are no allocated cycling routes the highways in the area are relatively lightly trafficked and sufficient to allow informal cycling and a condition will be attached to any permission granted to ensure adequate provision of cycle storage in convenient and safe locations close to building entrances. The nearest serviced bus stops lie at the Western end of Treberth Avenue, within 200m of the application site with another 300m away at Chepstow Road. Both are served by a frequent bus service with bus travel therefore being a viable alternative for future residents and visitors of the application site with a range of destinations accessible from the application site. In respect of the importance of the role of ultra low emissions vehicles, the applicant has proposed to fit 20% of parking spaces with electronic vehicle charging points to encourage the transition to low-carbon vehicles. It is therefore considered that the proposal responds well to the transport hierarchy in that it prioritises several suitable alternatives for travel above the private motor vehicle.
- 7.30 A request has been made by the Head of City Services (Active Travel Coordinator) for a contribution of £75,000 towards resurfacing of an active travel route south of the proposed site. However, the scheme is for 100% affordable housing and is not subject to contributions. In any instance, south of the application site is bordered by a water course and it is not clear what active travel route this would apply to. In this case the request is not considered to meet the legal tests for S106 but generally, contributions to active travel will be considered.
- 7.31 The outcome of the applicant's negotiations and the constraints caused on site as a result of Dwr Cymru Welsh Water's (DCWW) assets has been discussed above. Beyond this, DCWW has confirmed that only foul flows can be accommodated from the site and that it has no objection with regard to sewerage treatment or water supply. DCWW has however requested that conditions are attached to any permission granted to prevent occupation of the building until the proposed drainage scheme has been implemented and that no surface water drains directly to the public system.
- 7.32 A drainage strategy report and associated plan have been submitted for consideration. The Head of City Services (Drainage) has objected to the proposal on the basis that further clarification of matters within the drainage strategy is required in relation to surface water. A condition will therefore be attached to any planning permission granted to require the submission of a comprehensive, integrated and sustainable scheme for surface water drainage to be submitted prior to the commencement of development.

Waste

- 7.33 Two bin stores are proposed within the application site. One within the eastern car park and a smaller bin store adjacent to the western elevation of the main building. The Head of City Services (Waste) has indicated that the smaller bin store may not be adequate to serve the development and so further details of bin storage will be required by condition to ensure adequate provision is made. Collection will occur directly from Treberth Crescent and no objection has been made in that respect.

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.

8.8 The neighbour object letter received claims that the removal of the T1 willow tree from the carpark area of the application site contravenes the well-being goals within the Act. However, the tree was assessed within the submitted Tree Assessment and its potential for roosting bats under the addendum to that assessment and it was concluded that the tree should be removed. The tree does not contribute significantly to the landscape setting or ecology and no objections have been received in respect of its removal from the Tree Officer, Ecologist or NRW. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have therefore been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

9. CONCLUSION

9.1 The proposed development is considered to meet a need for affordable, older person accommodation in Newport whilst providing a valuable community facility. The design and impact of the scheme represents an improvement when compared to the previously approved development and this has been facilitated by the lower density of the proposal. The

size and organisation of the internal spaces combined with the extent of private external space and communal areas ensure that future occupants will enjoy a high level of residential amenity whilst protecting the amenities of existing residents at Treberth Crescent. The development will be accessible by sustainable modes of travel and residents will enjoy close access to community facilities on site and walkable routes to other local facilities. The applicant has adequately addressed concerns with regards to trees, biodiversity and protected species and it is therefore recommended that planning permission is granted subject to the following conditions.

10. RECOMMENDATION

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

01 The development shall be implemented in accordance with the following plans and documents: C877 3D 008_C Proposed Elevations A1, C877 3D 003 T Proposed Site Plan A1, Overland Flow Route, Proposed Drainage Scheme, C877 3D 058 Flat Type B5 A3, C877 3D 005 R – Lower Ground and Ground Floor Plans A1, C877 3D 006 Q First and Second Floor Plans A1, Apartment Type B4 A3, apartment Type A1, Apartment Type A2, Apartment Type B1, Apartment Type B2, Apartment Type B3, Roof plan, 010B Sections, Tree Survey Addendum Ecology Report, 14 May 2019 email from Llyr Morris re highways matters, 13th February letter from Bingham Hall re drainage comments, SuDs management and maintenance plan, 05 Feb 19 email from Llyr Morris re buffer strip, Method Statement (December 2018), Phase 1 Habitat Report, Supplementary Site Investigation Report, Transport Statement, Drainage Strategy, Extended phase 1 Habitat Survey, Site Investigation Report, Planning Statement, tree Survey and Arboricultural Constraints Report.

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

Pre-Commencement Conditions

02 Prior to the commencement of development, to include demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The Construction Environmental Management Plan (CEMP) shall identify the steps and procedures that will be implemented during development resulting from the site preparation, groundwork and construction phases of the development regarding:

- air quality, having regard to The Institute of Air Quality Management
- <http://iaqm.co.uk/guidance/>
- management of vehicles, particularly Heavy Goods Vehicle (HGV), access to the site avoiding Air Quality Management Areas and vehicle idling
- noise mitigation measures - to minimise the creation and impact of noise; including hours of on site operation for demolition and construction activity
- vibration;
- dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition, February 2003;
- wheel wash facilities;
- details of temporary lighting;
- waste disposal;
- details of enclosure of working areas;
- details of contractor parking areas and compound and construction site accesses;
- details of wheelwash

Development works shall be implemented in accordance with the approved CEMP. The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and to ensure compliance with policies GP2 and GP7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

03 A noise assessment, undertaken by a person with an appropriate acoustic qualification and submitted to and approved in writing by the local planning authority prior to the commencement of development, shall demonstrate that the noise emitted from any plant or equipment to be located within the development shall be controlled such that the rating level is 5db below background level, calculated in accordance with BS4142 (2014). All plant and equipment shall operate and be maintained in accordance with the approved noise assessment. If the noise assessment indicates that noise from the development will impact on nearby residents then a detailed scheme of the noise mitigation measures will be required to be submitted to and agreed in writing with the local planning authority prior to the commencement of development and shall be implemented as approved prior to the first occupation of any of the residential units.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and to ensure compliance with policies GP2 and GP7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

04 Prior to the installation of any floodlighting scheme, full details shall be submitted to and approved in writing by the Local Planning Authority to provide that

- Light into neighbouring residential windows generated from the floodlights shall not exceed 5 Ev (lux) (vertical illuminance in lux).
- Each floodlight must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical.
- The floodlighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 2.5%.

The submitted scheme shall include an isolux diagram showing the predicted illuminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties.

The approved scheme shall be implemented prior to first use of the lighting and be permanently maintained in that state thereafter.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and to ensure compliance with policy GP2 and GP7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

05 If at any time the use of the proposed Community Cafe is to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed in writing by the Local Planning Authority. The extraction system shall be provided with de-greasing and de-odorising filters. Details of the above equipment (including scaled schematics, location plans, odour attenuation measures and future maintenance) shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and the equipment shall be installed in accordance with the approved details prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the approved details.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and in the interests of visual amenities and to ensure compliance with policies GP2, GP6 and GP7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

06 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones”;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

NOTE: See BS 42020:2013, Clause 10, for a comprehensive list of issues and activities that may be considered and included within a CEMP.

Reason: To safeguard habitats and species protected under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and Environment (Wales) Act 2016 and to ensure compliance with policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

07 Prior to the commencement of development a lighting plan to ensure that lighting measures do not conflict with use of the site by protected species shall be submitted to and agreed in writing by the Local Planning Authority. The plan should include details of the type of external lighting to be used and appropriate siting of lights to demonstrate that the buffer is not illuminated and will be maintained as dark corridors both during construction and during the occupation of the development.

Reason: To safeguard habitats and species protected under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and Environment (Wales) Act 2016 and to ensure compliance with policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

08 Notwithstanding the submitted information, a prior to the commencement of development a scheme for the a comprehensive, integrated and sustainable drainage of surface water shall be submitted to and agreed in writing by the local planning authority. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system and the scheme shall include details as to how water run off will be prevented from draining onto the public highway and all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have capacity and details compatible with the site being drained.

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 or highway safety and to ensure compliance with policies GP3 and GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

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

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

The development shall be carried out in accordance with the approved Tree Protection Plan. Reason: To protect important landscape features within the site and to ensure compliance with Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

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

Reason: To ensure that the development is completed in a manner compatible with its surroundings and to ensure compliance with policies GP2 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

11 No use shall be made of the building hereby approved until the parking and access areas have been provided and surfaced as indicated on the site layout plan hereby approved and individual parking spaces marked on the surface. Thereafter, these areas shall be kept available for those purposes at all times.

Reason: To ensure that adequate off-street parking provision is made in the interests of highway safety and to ensure compliance with policy T4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

12 Before the development, other than demolition, is commenced, written approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs). This shall include replacement planting within the wildlife buffer and details of a management and maintenance including existing site vegetation, new planting, and objectives for the wildlife buffer. The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, the trees and shrubs shall be maintained for a minimum period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner and to ensure compliance with policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

Pre-Construction Conditions

13 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting scheme has been submitted to the Local Planning Authority and approved in writing. The strategy shall include lighting type, positioning and specification. The scheme shall be agreed in writing with the LPA and implemented in full.

Reason: To safeguard foraging and commuting routes in accordance with Environment (Wales) Act 2016 and Conservation of Habitats and Species Regulations 2017 and to ensure compliance with policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

Pre-Occupation Conditions

14. No part of the development hereby permitted shall be occupied until:
1. Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.
 2. Following remediation a Completion/Verification Report, confirming the remediation has been carried out in accordance with the approved details (capping layer and gas protection measures), shall be submitted to, and approved in writing by, the Local Planning Authority.
 3. 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 and to ensure compliance with policies GP5 and GP7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

15. Prior to the occupation of any of the units hereby approved, a scheme for the installation of electronic vehicle charging points to at minimum of 20% of the allocated parking spaces shown on the approved site plan shall be submitted to and approved in writing by the local planning authority. The charging points shall be installed in accordance with the approved details maintained in working order in perpetuity.

Reason: In the interest of encouraging the transition to low-carbon vehicle use and to ensure compliance with policy GP7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

16. Prior to the occupation of any of the residential units hereby approved details of screens to the balconies of first floor apartments shall be submitted to and approved in writing by the local planning authority. The screens shall be installed as per the approved details and shall be retained in perpetuity.

Reason: In the interest of residential amenity and to ensure compliance with policy GP2 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

17. Prior to the occupation of the building hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the use is commenced / before the building(s) [is/are] occupied] and shall be retained thereafter;

Reason In the interests of visual and residential amenity and highway safety policies GP2, GP7 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

18. Notwithstanding the submitted information, prior to the first beneficial occupation of any unit hereby approved full details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall show cycle parking located at each entrance including at the entrance to the community hub and each shall be within close proximity of the building. The approved details shall be fully implemented as approved and then maintained thereafter in that state.

Reason: To provide residents a choice of means of travel and to promote sustainable travel and to ensure compliance with Policy SP1, GP2, GP6 and T5 of the Newport Local Development plan 2011 – 2026 (Adopted January 2015)

19. Notwithstanding the submitted details, prior to the commencement of the use hereby approved full details of the bin storage, to include elevations and finish detail, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as approved and then maintained thereafter in that state.

Reason: To ensure adequate bin storage is provided for the site in the interest of visual and residential amenity and to ensure compliance with policies GP2, GP6 and W2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

General conditions

20. At no time shall any of the flat roofs of the building hereby approved be used in any form as a balcony, roof terrace or sitting out area.

Reason: To protect the privacy of occupiers of adjoining residential properties and to ensure compliance with Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order), Schedule 2, Part 2, Class A, no wall, fence, gate, hedge or other means of enclosure shall be erected or planted without the prior written permission of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

22. The hours of operation shall be restricted to 08:00 to 20:00 Monday to Saturday, and 09:00 to 18:00 on Sundays, 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 and to ensure compliance with policies GP2 and GP7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

23. The development hereby approved shall be completed in accordance with part 5.2 of Section 5 of 'Pobl Group, Treberth Crescent, Newport, Tree Surveys – Addendum Ecology Report, Document Ref: E1884401/Doc02, dated 20 March 2019' and with 'Pobl Group, Treberth Crescent, Newport, Extended Phase 1 Habitat Survey' dated December 2018 and the associated method statement.

Reason: To safeguard habitats and species protected under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and Environment (Wales) Act 2016 and to ensure compliance with policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Location plan, Arboricultural Constraints Plan, 002 Existing Site Plan, Design and Access Statement, C877 3D 4F View from South, C877 3D 3F View from South, C877 3D 2F view from North West, C877 3D 1F View from North, photo montage images, C877 3D 008_C Proposed Elevations A1, C877 3D 003 T Proposed Site Plan A1, Overland Flow Route, Proposed Drainage Scheme, C877 3D 058 Flat Type B5 A3, C877 3D 005 R – Lower Ground and Ground Floor Plans A1, C877 3D 006 Q First and Second Floor Plans A1, Apartment Type B4 A3, apartment Type A1, Apartment Type A2, Apartment Type B1, Apartment Type B2, Apartment Type B3, Roof plan, 010B Sections, Tree Survey Addendum Ecology Report, 14 May 2019 email from Llyr Morris re highways matters, 13th February letter from Bingham Hall re drainage comments, SuDs management and maintenance plan, 05 Feb 19 email from Llyr Morris re buffer strip, Method Statement (December 2018), Phase 1 Habitat Report, Supplementary Site Investigation Report, Transport Statement, Drainage Strategy, Extended phase 1 Habitat Survey, Site Investigation Report, Planning Statement, tree Survey and Arboricultural Constraints Report

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

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

03 The Supplementary Planning Guidance Documents for New Dwellings, parking standards, affordable housing, Air Quality and Wildlife and development (adopted August 2015).

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

05 It should be noted that this consent is dependent on the applicant entering into a Planning Obligation under Section 106 of the Town and Country Planning Act 1990.

06 Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/ development to go ahead. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000, or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en> .

07 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

APPLICATION DETAILS

No: 18/0756 **Ward:** *LLANWERN*

Type: **FULL (MAJOR)**

Expiry Date: **04-FEB-2019**

Applicant: ***M. A. WEBBER***

Site: ***CASTLE FARM, BISHTON ROAD, BISHTON, NEWPORT, NP18 2DZ***

Proposal: ***PROPOSED FREE RANGE EGG PRODUCTION UNIT, 3NO. SILOS AND ASSOCIATED WORKS***

Recommendation: Refused

1. INTRODUCTION

1.1 The applicant is seeking permission for the erection of a free-range egg production unit including silos and all associated works. The unit would consist of the following:

- A building measuring 149m long, 20m wide and 6.7m high which would contain 32,000 birds, a service area, office and egg store.
- A dedicated area of pasture for the birds which would be fenced to keep predators out.
- 2 no. steel hoppers to store feed
- Conveyors to move feed & manure
- A hard apron for vehicles to park on and turn
- The birds will be kept as a laying flock for 14 months and then totally replaced.
- Feed deliveries will be by rigid body HGV 3 times a month
- Eggs will be collected three times a week by 7.5 tonne lorry
- A new access at the north west corner of the site
- No additional labour is needed.

2. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
01/0358	ERECTION OF ANIMAL & HAY STORAGE BARN	R 20 July 2001
02/0402	CONVERSION OF REDUNDANT AGRICULTURAL BUILDINGS INTO 4NO. DWELLINGS AFFECTING CART ROAD - BRIDLEWAY NO. 22 BISHTON (RESUBMISSION)	GC 21 June 2002
02/0427	ERECTION OF ANIMAL AND HAY STORAGE BARN (RESUBMISSION)	GC 31 May 2002
12/0164	CONSTRUCTION OF NEW VEHICULAR / PEDESTRIAN ACCESS AFFECTING PUBLIC RIGHT OF WAY 388/3	GC 19 April 2012
13/1190	ENVIRONMENTAL IMPACT ASSESSMENT SCREENING OPINION FOR A SINGLE WIND TURBINE UP TO 77M HIGH AND ASSOCIATED WORKS	ES required 10 December 2013
13/1220	ERECTION OF AGRICULTURAL BUILDING FOR THE STORAGE OF FODDER AND MACHINERY	PANR 12 December 2013
14/0713	ERECTION OF A 900KW (0.9MW) WIND TURBINE MEASURING UP TO 77 METRES IN HEIGHT AND ANCILLARY EQUIPMENT AND ASSOCIATED INFRASTRUCTURE (AFFECTING PUBLIC RIGHT OF WAY 388/20 BISHTON AND 388/18 BISHTON)	R 04 February 2015 Appeal G6935/A/15/3070024 dismissed

15/0725	ERECTION OF 0.9MW WIND TURBINE OF 66 METRES IN HEIGHT (TO BLADE TIP) AND ANCILLARY EQUIPMENT AND ASSOCIATED INFRASTRUCTURE (AFFECTING PUBLIC RIGHT OF WAY 388/20 BISHTON AND 388/18 BISHTON) (RESUBMISSION OF APPLICATION 14/0713).	R 02 December 2015
17/0040	PRIOR NOTIFICATION FOR AGRICULTURAL DEVELOPMENT FOR THE ERECTION OF A STEEL BUILDING FOR AGRICULTURAL STORAGE	PANR 16 February 2017

3. POLICY CONTEXT

3.1 Planning Policy Wales (Edition 10) & Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)

The Welsh Assembly Government's objective is a sustainable and profitable future for farming families and businesses through the production and processing of farm products while safeguarding the environment, animal health and welfare, adapting to climate change and mitigating its impacts, while contributing to the vitality and prosperity of our rural communities. The planning system can play an important part in supporting the future sustainability of agriculture.

The TAN also notes that in view of their potentially obtrusive appearance, central grain stores should be designed and located to minimise their effect on the landscape. In considering applications for stores, planning authorities should have regard to the advantages of such stores and the demands placed on farmers of changing technology, the extent to which they blend with their surroundings and to traffic and other relevant planning considerations.

3.2 Newport Local Development Plan 2011-2026

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

- SP1 – Sustainability
- SP2 – Health
- SP5 - Countryside
- SP9 – Conservation of the Natural and Historic and Built Environment
- GP1 – Climate Change
- GP2 – General Amenity
- GP3 – Service Infrastructure
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- GP7 – Environmental Protection and Public Health
- T2 – Heavy Commercial Vehicle Movements
- T4 – Parking

3.3 Newport Adopted Supplementary Planning Guidance

- Parking Standards SPG – August 2015
- Wildlife and Development SPG – August 2015

4. CONSULTATIONS

4.1 GLAMORGAN & GWENT ARCHAEOLOGICAL TRUST (GGAT):

4.1.1 The supporting information includes the report containing the results of the archaeological evaluation undertaken by Trysor, dated February 2019, reference 2019/652. The report, and the fieldwork, meet current professional standards.

4.1.2 The fieldwork encountered the made ground deposits across most of the site, in the central area (north to south direction over the course of the former stream) these deposits were deeper than the proposed development works would be. To the west and east boundaries,

the made ground is considerably shallower, and particularly as noted in the report, in the north western area. Here, trenching tested the likelihood of the survival of remains of two houses depicted on the Tithe Map and identified within the Historic Environment Record. Evidence of the southern house had been completely removed, the area stripped prior to the deposition of the made ground. Remains of the south eastern corner of the northernmost house were encountered, with the potential for further remains to exist.

- 4.1.3 Regarding the need for further stages of mitigation, this would depend on the final plans for the access point. As you are aware, initially the access was proposed as further south however, if as noted in the report, the access moves to the north west, this is likely to impact on the remains of the building.
- 4.1.4 In this case, if the area will be part of the development, it is our opinion that the remains identified should be recorded by a strip, map and record process, for the area of the cottage and a surrounding buffer of c2m if attainable, which should allow any adjoining features to be identified.
- 4.1.5 Therefore it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.
- 4.1.6 We envisage that this programme of work would take the form of a strip, map and record of the area of the building and a 2m buffer if attainable, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded. It should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014:

No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

- 4.1.7 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) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited MCIfA grade Member.
- 4.2 HEDDLU GWENT POLICE (DESIGNING OUT CRIME OFFICER): No objection.
- 4.3 DWR CYMRU / WELSH WATER (DCWW):
 - 4.3.1 Sewerage: We acknowledge from reviewing drawing RJC-MZ194-05 that a connection to the public sewerage system will not be required and therefore have no objections regarding this application.
 - 4.3.2 Catchment: The purpose of DCWW reviewing and commenting on this application is to make the applicant aware that their development is within a drinking water catchment under Article 7 of the Water Framework Directive, and that Article 7.3 requires the avoidance of deterioration in water quality where this may lead to additional purification treatment being required. We ask the developer to be mindful of this, and to refer to best practice when operating such facility to ensure water quality is not compromised.
- 4.4 GWASANAETH TAN AC ACHUB DE CYMRU / SOUTH WALES FIRE & RESCUE SERVICE:

- 4.4.1 The developer should consider the need for the provision of:-
a. adequate water supplies on the site for firefighting purposes; and
b. access for emergency firefighting appliances.
Should the applicant require further information in relation to these matters they should contact the above named fire safety officer.
- 4.5 WALES & WEST UTILITIES: has no apparatus in the area but notes others may and safe digging practices should be used.
- 4.6 CYFOETH NATURIOL CYMRU / NATURAL RESOURCES WALES (CNC/NRW): No objection.
- 4.7 WESTERN POWER DISTRIBUTION: Advise of equipment in the area and safe working practices.
- 4.8 CADW: An assessment of the impact of the proposed development on the setting of the scheduled monument, prepared by Trysor, has been submitted in support of this application. The assessment follows the methodology outlined in the Welsh Government document "The Setting of Historic Assets in Wales" and concludes that there will be a very slight visual impact from the scheduled monument which will constitute a very slight, but not significant, adverse impact on the setting of the scheduled monument. We concur with this assessment.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF REGENERATION, INVESTMENT & HOUSING (PLANNING POLICY)
- 5.1.1 Countryside: Development in the Countryside will only be permitted where the use is appropriate and the development respects the landscape character and biodiversity of the immediate and surrounding area and is appropriate in scale and design. It is considered that an agricultural use within a farm complex is an appropriate use of land, however its impact should be kept to a minimum through good design. The local policy is clear that proposals for rural diversification will only be considered appropriate where they comply with national planning policy (as set out above). The reuse of an existing building has been considered and ruled out for being too small.
- 5.1.2 Highways: The proposal is located within parking zone 6 which is considered as Deep Rural. Full comments on all highway issues will be provided by the Council's highways officer
- 5.1.3 Environmental Protection and Public Health: The proposed development has the potential to impact on noise, odour and water pollution. Planning policy is clear that any development that would cause or result in unacceptable harm to health because of pollution or any other identified risk to the environment, local amenity or public health and safety will not be permitted. Comments will be provided by the Council's Environmental Health Section and Ecologist.
- 5.1.4 Conclusion: The proposal is supported in principle subject to any comments raised by Environmental Health and the Council's ecology.
- 5.2 HEAD OF REGENERATION, INVESTMENT & HOUSING (CONSERVATION): The site is located some 120m from Scheduled Ancient Monument MM128 Bishton Castle. A road and some trees are located between the site and the SAM. It is not considered to have an immediate impact however there is the possibility of archaeological value at the proposal site which shall be considered by GGAT.
- 5.3 PUBLIC PROTECTION MANAGER (NOISE): I can confirm the Noise and Neighbourhood Team have no objection to this development subject to the following conditions (outlined previously in comments from this section dated 4th February 2019):

- The noise levels for the ridge mounted and gable end extract fans referred to in Acoustics Report M1902/R01, 21st January 2019, are to be complied with and certified in writing to the Planning Authority by an appropriately qualified acoustic consultant before the use of the unit commences; or otherwise noise levels in excess of those referred to, together with mitigation measures if appropriate, submitted and approved as satisfactory by the Planning Authority.
- There shall be no movement of feed, birds and eggs to and from the site between the hours of 19:00 and 07:00 the following day other than in the event of an emergency.

- 5.4 PUBLIC PROTECTION MANAGER (ODOUR): No objection, I have considered the Dispersion Modelling Study of the Impact of Odour by AS Modelling & Data Ltd. dated 3rd January 2019 and I am satisfied with its findings.
- 5.5 PUBLIC PROTECTION MANAGER (AIR QUALITY): The capacity of the proposed poultry building is 32, 000 birds which is below the threshold that would trigger the requirement for a Pollution Prevention and Control permit.
- 5.6 HEAD OF STREETSCENE & CITY SERVICES (TREES): The following information is required . A **“Tree Protection Plan”** should be submitted in accordance with BS 5837:2012 via a bona fide Tree Consultant and should be shown as an overlay on the proposed layout plan .
- 5.7 HEAD OF STREETSCENE & CITY SERVICES (HIGHWAYS):
- 5.7.1 The applicant intends to form a new access onto Bishton Road and has submitted a plan to demonstrate that visibility splays of 2.4 x 43m are achievable in both directions. This section of Bishton Road is subject to the national speed limit and therefore visibility splays of 2.4 x 215m would be required in accordance with Tan 18, which is clearly unachievable. Any reduction in the visibility requirements will require the submission of a seven day automated speed survey which demonstrates the necessary 85th percentile speeds.
- 5.7.2 Visibility must also be checked in the vertical plane to ensure that views in the horizontal plane are not compromised. Drivers must be able to see from a height of 2m down to a height of 600mm above carriage way level which I would suggest is unachievable due to the gradient of the road.
- 5.7.3 The applicant must submit further information to demonstrate that visibility splays are fully achievable in line with the above comments.
- 5.7.4 The applicant has submitted information in regard to the vehicle movements associated with the proposal. It's clear that the proposal will result in an increase in vehicle movements along Bishton Road, in particular HGV movements.
- 5.7.5 Bishton Road is a rural lane which cannot accommodate two vehicle movements for much of its length. Passing places are available however situations whereby vehicles come into conflict and have to carry out reversing manoeuvres are common. An increase in vehicle movements will exacerbate this and of particular concern is the size of the vehicles associated with the proposed use. The impact of the increased traffic is therefore considered detrimental to highway safety.
- 5.7.6 Bishton Road has no footways and therefore any pedestrians would come into direct conflict with vehicles at the detriment of pedestrian safety. Whilst this situation is existing, the increased traffic will exacerbate the issue. In addition the lack of footways along with the lack of services, facilities and public transport links in the area is unlikely to encourage multi modal travel and increase the reliance on the private motor vehicle for travel to and from site.
- 5.7.7 Parking must be provided on site and the applicant will need to submit further information in order to justify the proposed level of parking.

- 5.7.8 A swept path analysis must be submitted which demonstrates that HGV's can turn within the site and therefore access and egress the highway in a forward gear. In addition a swept path analysis will need to be submitted to demonstrate that a HGV can access and egress the proposed access onto Bishton Road.
- 5.7.9 Suitable drainage must be employed to prevent surface water run off onto the adopted highway.
- 5.7.10 Whilst the applicant may be able to address some of the points raised above, it's determined that increased vehicle movements along Bishton Road would be detrimental to highway safety. I must therefore object to the application and recommend refusal.
- 5.8 HEAD OF STREETSCENE & CITY SERVICES (PRoW): No comment, since no public rights of way are affected.
- 5.9 HEAD OF STREETSCENE & CITY SERVICES (LANDSCAPING): No objection subject to conditions.
- 5.9.1 Generally the site will be sufficiently screened from view and the LVIA submitted supports this. A planting plan should be conditioned to show extent, species mix, size, centres. Planting measures should aim to screen the proposal incorporating the existing roadside hedge but also retain the open landscape character of hedgerows and individual trees.
- 5.9.2 The existing mature trees should be plotted. These may lie at sufficient distance from the proposals so a topographic survey may not be required (a proposal overlay onto aerial photo may suffice) but there are nearby mature oak trees which are important landscape features to retain. Protection measures during construction maybe required depending on proximity to the works.
- 5.9.3 There is an existing roadside hedge which will be an important part of screening the proposal. Protection measures to ensure the roadside hedge is adequately protected during construction are required.
- 5.9.4 The turning area for egg collection and need for sufficient visibility splay may affect the existing roadside hedge depending on comments from Highways. This may open up views into the site. The planting plan should include any roadside hedge mitigation measures.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

No properties were consulted since none lie within 100m of the site boundary, 2 no. site notices were displayed. Four representations have been received, two in objection and two in support.

Comments against are:

- The building is too large given its proximity to dwellings,
- Bishton Lane is too narrow to support the size and frequency of vehicles needed to service the unit,
- The proposed access is badly sited being on a bend at the top of a hill,
- This site floods in the winter and manure could be washed into local ditches impacting on water quality,
- North easterly winds would blow odour towards nearby dwellings and could have an adverse noise impact,
- The proposal would result in several accesses in close proximity onto a road that is narrow and lacks forward visibility,
- PRoW 388/3 (on the other side of the road from the site) would be adversely affected.

Comments in support are:

- This application will allow a local farmer to diversify and meet increased consumer demand for free-range eggs,

- Increased demand for feed will secure jobs in feed mills and distribution across the wider economy at a time of reduced demand for feed in other agricultural sectors,
- Diversification will help to secure the future of family run farms in the face of market uncertainty (Brexit),
- The proposal will help to maintain the viability of this family run farm securing rural employment opportunities in the future.

6.2 COUNCILLOR KELLAWAY: the applicant and agent appear to have carried out extensive consultations with both the experts on this subject and more importantly residents in the immediate vicinity and wider village of Bishton.

The plans put in place for Manure Management, prevention of pollution, noise management odour management, pest management all go some way to addressing the concerns I have had raised. I have also noted that welsh water do not object to the application neither the scientific officer who assesses that application falls within any trigger of control mechanism for air pollution.

Finally It is worth pointing out that this application will create a number of employment opportunities something the area is in need of and I would fully support the application based on the information presented.

6.3 BISHTON COMMUNITY COUNCIL: No comment received.

7. ASSESSMENT

7.1 The Site

7.1.2 The site lies immediately east of the lane between Bishton and Underwood adjacent to the Castle Farm site. This is approximately 350m due north of the last house in Bishton village and approximately 900m from the junction between the lane and the road into Underwood. The lane is narrow, lacks passing spaces and has limited forward visibility due to bends and changes in vertical alignment.

7.1.3 The site is currently in agricultural use being given over to rough grazing. The site perimeter is a mixed thorn hedge along the lane and there are some large trees on the site perimeter. The site is broadly flat. The existing access is via a field gate opposite the lane to Castle Farm barns.

7.1.4 The site is in the countryside for planning purposes. The predictive agricultural land classification is Grade 4 (not best and most versatile). The site is in Parking Zone 6 (deep rural). Scheduled Ancient Monument MM128 (Bishton Castle) lies approximately 185m to the south-south east.

7.2 The Proposal

As described in Paragraph 1.1

7.3 Key Issues

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

- Scale & Appearance of the building and its impact on the rural character, landscape and visual amenity
- Tranquillity
- Noise
- Odour
- Access & Highways issues
- Manure Management
- Impact on the setting of MM128 (Bishton Castle)
- Archaeology
- Lighting

- Impact on local PRoWs
- Trees
- Benefits of the Scheme

7.4 Scale & Appearance

7.4.1 The proposed shed will be of significant scale being approximately 150m long 20m wide and up to 6.7m high. There will be additional visual impacts caused by the proposed feed silos, access point, areas of hardstanding and other paraphernalia that will be needed to serve the unit. The proposed site is adjacent to Bishton lane and is currently prominent due to the low height of the hedge and the lack of tree cover. The proposed development will have a significant visual impact to users of the road and will be visible from the local public rights of way network.

7.4.2 The applicant has provided a Zone of Theoretical Visibility which shows a localised 'pocket' in which the building would be seen immediately around the site which opens out to the south onto the Levels. However the views from the south would be distant and filtered through intervening vegetation. The same is true of views from surrounding higher ground such as Wilcrick Hill and land around Llandevaud. In essence the visual and landscape impact would be limited to the immediate locality around the site and would be limited to within 1Km of the site and often less than this. However within this limited area the building and paraphernalia would be inescapably prominent.

7.4.3 Policy SP5 (Countryside) requires that:

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

Policy GP5 (Natural Environment) requires that *there would be no unacceptable impact on landscape quality.*

7.4.4 In terms of visual amenity Policy GP2 (General Amenity) requires:

The proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area.

7.4.5 In terms of use the proposed development is for agriculture and is appropriate in the countryside. The development will be typical of modern agricultural buildings in terms of its appearance and chosen cladding materials. In terms of scale the building is large and no other agricultural buildings in the vicinity are of a similarly large scale. The industrial buildings on the retained Llanwern Steelworks are of a larger scale still and although visible from locations near the site views are often filtered and distant. The over-riding perception of the site and its surroundings is of rurality and tranquillity although areas to the north have some breakthrough of white noise from the M4 motorway. The applicant has suggested that the profile of the building can be broken up by planting and that sufficient room exists between the building and the roadside along the site's western boundary for a significant planting belt. This would reduce the landscape and visual impact of the proposal when viewed from the lane and from the Public Rights of Way to the west of the site however information the applicant has submitted show this having a limited impact and planting will take time to develop leading to substantial disruption to the landscape and visual amenity in the interim which will not be even partially mitigated for several years. Given the scale of the development and its proximity to publically accessible locations even well-established planting will not fully screen the development and significant on-going adverse impact in visual and landscape terms will result should the development proceed. The Council's Landscape Officer does not agree with this assessment but ultimately it would be a point of judgement and an appeal decision for a similar development has concluded planting will not always provide adequate mitigation.

7.4.6 The character of the site and its surrounding vicinity is rural and very pleasant with limited intrusion from man-made structures, principal amongst these being Castle Farm Barns which is a complex of converted farm buildings and Castle Farm itself which consists of a farmhouse and some more modern sheds. However none of these structures are at the scale of the proposed shed due to its length. Landmap is confirmed in Planning Policy Wales 10 (PPW10) as an important information source in terms of assessing landscape character and in informing development management decisions. PPW10 notes how Landmap can inform the identification of local landscapes of importance such as Special Landscape Areas but it also confirms all landscapes within Wales are of importance with Paragraph 6.3.3 stating:

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

The application site and its surrounding area are not a Special Landscape Area but this does not mean the local landscape is inherently without merit and is not worthy of preservation although in any planning decision that desire for preservation would carry less weight than in an area benefitting from a landscape designation. Landmap's 'Visual & Sensory' layer identifies this site as falling within the Llanwern Park aspect area which is assessed as being of 'moderate' value but in 'good' condition. Overall the landscape is attractive and is described as:

Gently undulating rounded hills rising from the levels at 10m AOD to 60-80m AOD. The area is primarily pastoral and fields are small to medium scale enclosed by cut hedges and trees. Most fields have sinuous boundaries while others are rectilinear. Blocks of deciduous woodland are noticeable and give emphasis to the hillsides in places, and are prominent from the M4. Settlement is a combination of clustered villages, a relatively recent estate at Underwood, and scattered farmhouses. Llanwern Park Farm is surrounded by a parkland landscape. The M4 adjacent is a source of noise and movement in an otherwise tranquil area. This road allow views into the area making it an important approach to Newport. Views from the area to the south are dominated by the Llanwern complex. The area is generally well managed.

7.4.7 The development will be particularly prominent from the lane between Bishton and Underwood due to the close proximity of the building to the lane. As previously noted the appellant's information does not suggest planting will be effective in mitigating the harm down to an acceptable level. The building will remain prominent to users of the lane and to users of the public rights of way to the west of the site (see following section relating to these footpaths).

7.4.8 A recent 2018 appeal (G6935/A/18/3205316) at a site approximately 300m from this site (Wellsworth) was dismissed. The appeal site was closely located to this site in a field on the northern edge of Bishton so although not in the same visual envelope (due to changes in topography and intervening vegetation) the appeal site lay in the same Landmap Character Area (Llanwern Park). In that appeal the proposed agricultural shed was at a much smaller scale than the unit proposed in this application having a footprint of 14m by 5.5m and a maximum height of 3.8m (3.2m to the eaves). Like this proposal the shed was located close to Bishton lane and relied upon planting to screen it from wider views. Local Public Rights of Way would have had restricted views into this site with the main view being from Bishton lane.

7.4.9 In this case the Inspector noted that the site was in clear view of the lane notwithstanding 'a mature hedgerow of considerable height' between the lane and the field in question. The Inspector noted an earlier appeal Inspector had concluded the following in relation to the character of the site:

'Given the landscape qualities of the immediate area, agricultural buildings need careful siting in order to avoid any adverse visual impact. As it does not seem that any substantial landscape changes have occurred since 2016 I concur with this assessment.'

The Inspector then went on to conclude the development was unacceptable in context reasoning in the following way:

The appeal building would interrupt views from the lane to the fields to the north, a characteristic it shares with the 2016 proposal. Neither the proposed beech hedges marking the widened site access, nor the heavy landscaping immediately south of the appeal building, would offer any notable visual mitigation in this regard. Nor am I persuaded that the proposed landscaping would adequately screen the visual impact of landform modifications necessary to accommodate the building's apron.

Despite being sited on a low part of the field, the appeal building would significantly limit the open views to the north which make a positive contribution to the area's character and appearance. It would also relate awkwardly to the site's prevailing topography, disrupting natural landscape features. Such factors would cause visual harm which would not be outweighed or reduced by the building's timber cladding, design or height. As the landscaping would be likely to be mainly deciduous, the resultant visual harm would be particularly apparent during winter months.

- 7.4.10 The current application bears similarities with the dismissed appeal scheme by its proximity to Bishton lane and its reliance upon intervening vegetation for screening effect. Although there would be no significant modification to the landform in this case the proposed unit would also require a significant 'service' area which would also be prominent when the site was viewed from Bishton lane, especially from the north. Both schemes would disrupt the views towards open countryside although that impact would be much greater in the case of this proposal due to the scale of the scheme. The Inspector goes on to consider the utility of the appeal scheme and considers how this might outweigh the landscape and visual harms that he has identified but ultimately concludes the scheme's benefits are outweighed and dismisses the appeal.
- 7.4.11 In terms of siting, the applicant has engaged with the Council's pre-application service initially asking the Council to consider the merits of the application site and another adjacent to the existing farm complex at Castle Farm. The Council did not dismiss the application site as unacceptable but did consider that the alternative site was the better one in terms of its landscape and visual impact notwithstanding that the alternative site was slightly elevated in comparison to the appeal site. It was considered some of the impact on rural character could be mitigated by the presence of the existing farm complex and could be further reduced (but not entirely eliminated) by planting which might offer opportunities for ecological enhancement. It was advised that should the application site be advanced any landscape and visual harm over and above any alternative sites that were available would need to be shown to be outweighed by advantages that accrued on that particular site. The need for careful site selection in order to minimise harm to rural character advised by the Council reflects the stance taken by the Inspectorate at the 'Wellsworth' appeal. The applicant has not explained as part of this submission why this site was selected when it was known other sites available to him would have reduced the overall landscape and visual impact of the scheme consequently reducing harm to landscape and visual amenity. The chosen site inherently leads to a higher degree of landscape and visual harm than might otherwise have been caused by the selection of an alternative site that is available to the applicant.
- 7.4.12 The applicant has submitted a Landscape & Visual Impact Assessment (April 2018) which considers views of the site from various locations and assesses the impacts of the scheme against a matrix of magnitude of change versus sensitivity of the receptor. The overall effect varying from Major to Imperceptible. However the LVIA does not describe how location/viewer sensitivity or magnitude of change are assessed. Inevitably such assessments will be based in professional judgement and like planning judgement that will vary between persons. In terms of the location sensitivity a wind turbine appeal at Castle Farm described this aspect area as being of medium sensitivity (page 32 of the wind turbine LVIA). This was defined as an area of moderately valued landscape having some evidence of alteration or degradation and being analogous to a Landmap 'moderate' category; for clarification, this aspect area is classified as moderate by Landmap.
- 7.4.13 However this appears to have been based on the entire aspect area which includes a much wider area. As the applicant notes this section of the aspect area is much more self-contained

and visual detractors such as HT lines, solar development, the M4 and retained Llanwern steelworks are not prominent within this 'pocket'. There are longer views out to the Gwent Levels and there are more distant views of the Llanwern works but within the pocket there is limited development with the most obvious structures in the vicinity of the site being Castle Farm Barns, Castle Farm and its outbuildings and an isolated agricultural shed about 250m north of the application site. As such this part of the Llanwern Park Aspect Area might be categorised as being of higher landscape value than the aspect area in general terms. Arguably this part of the aspect area is of medium/high sensitivity with a lower tolerance to change and few/no existing visual detractors present. Consequently the submitted LVIA may have understated the sensitivity of this part of the Llanwern Park Aspect Area.

7.4.14 The submitted LVIA considers the Gwent Levels National Landscape Character Area which is a large landscape block running from Chepstow to the edge of urban Cardiff as the landscape block to be assessed. The Llanwern Park Aspect Area is a much smaller part of this much larger area. The application LVIA concludes the magnitude of change to the landscape caused by the development would be moderate or less and result in a landscape impact of moderate / minor significance reducing to minor / negligible significance as the proposed planting grows. However this is predicated on medium landscape sensitivity and moderate magnitude of change. As noted there are concerns that a more focused assessment of the particular part of the landscape that is affected would conclude that it is of higher sensitivity than the applicant claims and therefore the significance of the change would be greater than assessed. Assuming a high/medium sensitivity and a magnitude of change that is also medium/high (prominent level of change to landscape elements) then the overall significance of the landscape change would be major/moderate – the proposal would be out of scale with the landscape character and noticeably alter the landscape feature. Officers conclude that the significance of the landscape change would be greater than the applicant has assessed. Consequently the resultant landscape harm would attract more weight than the applicant's assessment of a lesser degree of harm would suggest.

7.4.15 Officer's do not question that agricultural developments are appropriate in the countryside but it does not follow that all agricultural developments are acceptable. Nor does it follow that all large-scale sheds are unacceptable. The applicant can point to many successful applications for sheds of this scale and even larger schemes. It is clear that in the appropriate rural context such developments are acceptable. However it is equally clear that where agricultural development has significantly adverse visual and landscape (character) impacts then they may be refused and appeals dismissed. Appeal W1850/15/3129896 in Dorstone Herefordshire was for two sheds to contain 80,000 broiler chickens. In that case the appellant was of the view that the development would have a medium adverse impact on landscape but the Inspector concluded at Paragraph 15:

To my mind the development would appear isolated in this landscape and given the timescale it would take for any planting to screen the units, at least for the first few years, would be stark and severe. Set amongst flat, open farmed fields, it would have an immediate negative impact in the landscape, which would only be partially reduced by any existing and proposed landscaping. I also have concerns that the 'juniper green' cladding would fail to integrate into the landscape, particularly given the palette of colours/materials on surrounding rural buildings, adding further weight to my concerns.

In this case the proposed sheds would have been seen against the backdrop of existing large agricultural buildings and set well back from roads so arguably much better sited than this proposal. However the Inspector identified landscape harm beyond that found by the applicant and questioned the effectiveness of screening vegetation especially in the short term. This is analogous to this submission and confirms that large scale agricultural buildings can be unacceptable if ill-sited even within non-protected landscapes.

7.4.16 In terms of the Bishton lane the applicant's LVIA concludes that the impact on users would result in a visual impact of minor significance to motorists but this view was taken from the north of the site and predates the revisions to the scheme to move the site entrance to the northern end of the site. The argument that intervening landform and vegetation would screen the site would remain unchanged. However it is clear that the shed will be highly visible from the sections of the lane nearest to it and the proposed screening would not be effective in obscuring views of the northern end of the proposal. That said the applicant controls the

fields to the immediate north of the shed and any landscaping could be conditioned to wrap around the northern end of the site reducing the impact. In terms of drivers the overall effect will be low due to the speed of movement and the limited attention that drivers can be reasonably expected to show to peripheral views (medium/low sensitivity).

- 7.4.17 However the lane is a quiet rural road and other non-motorised users can be expected. Manual for Streets stresses such places as providing functions other than just movement: walking, cycling and horse riding (Paragraph 2.2.7) can be expected. The LVIA methodology would assess such users as being of medium sensitivity, given a magnitude of change in the view that was medium/high then the significance of the effect on visual amenity for these users would be moderate which is described as being a change that is readily apparent and at variance with the existing view. This is judged a fair assessment in relation to users of the lane who are not in motor vehicles. Clearly there would be a worsening in the view for such users of the lane would should attract moderate weight in the planning decision.
- 7.4.18 In conclusion Officers consider that the overall impact on the landscape character would be greater than assessed in the applicant's LVIA and would be more harmful than acknowledged by the applicant. It is acknowledged that the landscape has no protective designation but that lack although going some way to mitigate negative landscape impacts does not remove them or diminish them to the point that they would have little weight in any planning decision. PPW10 is clear that all Welsh landscapes merit protection and enhancement although the level of that protection will be tempered by the sensitivity of that landscape to change and the sensitivity of those interacting with that landscape. Officers conclude that there will be a substantially adverse landscape impact within this part of the Llanwern Park Aspect Area and adverse impact non-motorised users of Bishton lane contrary to Policy GP5 adverse impact on visual amenities of users of lane contrary to Policy GP2.

7.5 Tranquillity

- 7.5.1 Planning Policy Wales 10 (PPW10) raises the issue of soundscape¹ as an aspect of character. Rural areas generally are less noisy than areas within the urban boundary but can still experience noise from adjacent industrial areas, roads & other transport corridors, overflying aircraft or agricultural operations. In the vicinity of the site there is occasional breakthrough of noise from the M4, especially to the north of the site and from passing traffic on Bishton lane. Noise from the South Wales mainline railway and the retained Llanwern works is much less noticeable. However the soundscape is still distinctly rural featuring birdsong and the sound of domestic animals (adjacent fields being pasture). The proposal will introduce greater activity in the locality including road noise from vehicles, the operation of plant on the site and sounds from the birds themselves. However the low level of traffic generation in combination with the limited noise of the proposed plant (which could be controlled by condition) and the limited operational activity within the site (other than flock change over) means that no significant harm to the local soundscape can be expected. Policy GP7 is complied with.

7.6 Noise

- 7.6.1 The shed would be equipped with 12 no. extraction fans that would be mounted on the roof and gable ends. These are to cool the building when there are higher temperatures. The applicant has provided a 'Plant Noise Assessment' (January 2019) for the site. The assessment makes assumptions about the fans to be installed since they have not been specified yet. However the modelled plant is typical and the reports conclude that the impact of the fans on the noise environment would be low or negligible during the day (depending on which fans are running) and negligible during the evening and night. The report notes that the ridge fans will run as needed, that is not all of them and not all of the time and that the gable mounted fans will only run when it is particularly hot. In short all the fans will run when it is particularly warm (over 23 degrees centigrade) but not otherwise.
- 7.6.2 The Public Protection Manager has not objected but advises conditions to control the fans installed on the unit in the interests of limiting noise and he also recommends that larger

¹ By which we mean the acoustic environment as perceived or experienced and/or understood by a person or people, in context (ISO definition)

vehicles do not access the site between 19:00 and 07:00. The latter requirement is not considered necessary due to the infrequency of HGV access and the potential benefits of allowing access at times when the lane is likely to be very quiet with minimal traffic on it. The nearest dwellings are approximately 200m away so the risk of disturbance of any significance would be low and infrequent and akin to normal agricultural use of the site and the surrounding land. As such this condition is not considered necessary. Subject to a condition controlling the fan noise from the site, rural character and residential amenity can be protected. Policies SP5 (Countryside) and GP2 (General Amenity) are complied with.

7.7 Odour

7.7.1 The applicant has provided a 'Dispersion Modelling Study of the Impact of Odour' (January 2019). The model concludes that odours from the site will be *below the Environment Agency's benchmark for moderately offensive odours, which is a maximum annual 98th percentile hourly mean concentration of 3.0 ouE/m³, at all residential receptors considered*. In this case consideration was given to the nearest residential properties at Castle Farm Barns.

7.7.2 The Public Protection Manager has reviewed the model and does not object to the application. As such Policy GP2i (odour) is complied with since there would be no significant adverse effect on local amenity.

7.8 Access & Highways issues

7.8.1 The proposed access is at the northern end of the site where there is an existing field access. Speed surveys show that appropriate visibility can be provided in both directions although existing hedges would need to be removed to open up the required visibility splays. The applicant has confirmed all the necessary land to provide the required visibility is within his ownership. Removal of the hedges would have an adverse impact on landscape and rural character but the conditioning regime could secure the replacement of the lost hedges and their future retention. There is no evidence that the hedge removal and replacement would be unacceptable in ecological terms. Overall suitable and safe access can be provided to the site for the vehicles that are proposed to be using the access.

7.8.2 In terms of the proposed parking and circulation area, it is clear that the proposed landscaping shown in Drawing RJC-MZ194-06 (Landscaping Plan) would be compromised by the revised access arrangements. However alternative planting can be sought under condition and there is no indication that provision of a suitable planting scheme would restrict the HGV turning area to the extent that a vehicle could not turn within the site. As such subject to conditions to deliver alternative planting arrangements and to ensure the delivery of the hardstandings, albeit in a modified form from that shown in the revised access arrangements then sufficient circulation and parking space would be available within the site whilst retaining some room for landscaping along the roadside. Policy GP4 (Highways & Accessibility) is complied with alongside Policy GP5vi (Landscaping).

7.8.3 The Head of Streetscene (Highways) has objected to the proposal as follows:

It's determined that increased vehicle movements along Bishton Road would be detrimental to highway safety. I must therefore object to the application and recommend refusal.

In this case the proposed vehicle movements that will access the site are:

- Feed delivery via HGV 3 times a month (rigid body, 6-8 wheeler);
- Egg collection via 7.5 tonne van three times a week;
- Flock removal / delivery by 2 articulated HGVs every 14 months;
- Daily movements by the workforce (no additional workers above those already on the farm are expected).
- Movement of manure

7.8.4 The applicant installed automatic traffic counters on the lane and established that the average week day movements along Bishton Lane amounts to 317 cars (this is summation of flows in both directions). This does not mean there would not be the occasional larger

vehicle or farm traffic but it is clear the lane has low traffic flows and they are primarily smaller vehicles. The section of lane between the site and Underwood is narrow and lacking in forward visibility but there is a sequence of passing spaces and the lane is not so narrow as to preclude convenient passing. The proposal will add larger vehicles into the transport network but in low numbers and infrequently. Overall despite the Head of Streetscene's concerns on balance it is not considered that the impact on the highway network would be sufficiently severe or frequent to justify refusing the application. The greatest risk of traffic conflict arises from the articulated vehicles bringing in the new flock but this is a once a year event and the impact is considered acceptable on such an infrequent basis. The applicant has offered to accept a condition that restricts HGV access to the site from the north only. This is considered appropriate. Subject to this conditional control there would not be an unacceptable highway impact if the proposal were to go ahead and Policy GP4vii (Highway Safety & Traffic Generation) is complied with.

7.9 Manure Management

- 7.9.1 Under the proposal the chickens will range outside in a controlled way moving from one pasture to another to avoid over-grazing and fouling of the pasture. As such there is no expectation of excessive manure build up on the land through the outdoor activities of the birds.
- 7.9.2 The manure in the shed will fall from the perches onto a conveyor which will be operated weekly to remove the manure to a holding trailer. The manure is to be spread on the unit as fertiliser or may be exported to anaerobic digesters or other nearby farms where there is scope to spread the manure. The manure would be stored and spread in accordance with normal good management on land identified within the manure management plan.
- 7.9.3 In terms of national advice units contain less than 40,000 birds are not subject to the Environmental Permitting Regime. However in June 2018 the Welsh Government wrote to Local Planning Authorities directing them to the advice held in CNC/NRW Guidance Note GN20 'Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units'. Although it is clear that the note is primarily for the use of CNC/NRW in assessing permit applications or advising on planning applications the note goes onto to say that '*It (the note) can also be used by local authority planning officers to help assess planning applications*'. Therefore it appears that this advice amounts to a material planning consideration particularly in the case where intensive agricultural units such as this one do not meet the permitting thresholds, which this one does not.
- 7.9.4 The advice is technical and is clearly intended to primarily inform the permitting process rather than planning applications that fall below the permitting threshold. The applicant has provided a dispersion and deposition model for ammonia which appears to be based on the CNC/NRW guidance. The model ambiguously concluded the following:
- Where there is a predicted exceedance of the Natural Resources Wales lower threshold percentage of Critical Level or Critical Load at a SSSI, but the upper threshold is not exceeded, the proposal may or may not be deemed acceptable, depending on the presence, or not, of other installations that may have in-combination effects, background ammonia concentrations and the sensitivity of the wildlife sites involved.*
- 7.9.5 The applicant subsequently provided an in-combination assessment that concluded there were no other intensive agricultural operations going on within 5Km of the site and no further consideration was needed in relation to in-combination effects in relation to ammonia / nitrogen. This document was provided to support an EIA screening request made to the Welsh Government following the Council's own screening that concluded the proposal was EIA development. In essence the Welsh Government has already determined that the ammonia / nitrogen production from this development proposal is unlikely to have any significant environmental effect either on its own or in-combination with other developments within 5Km in relation aerial deposition or via run-off.
- 7.9.6 In terms of consultation the Public Protection Manager notes that the proposal is below the threshold that would trigger the need for a Pollution Prevention and Control permit and does not comment further. CNC/NRW have no objection to the development noting that the

ammonia dispersion model shows upper limits at statutorily protected sites (the Gwent Levels SSSIs) would not be exceeded but caveating that this assumes no in-combination effects can be expected. In a further comment to the Welsh Government made in relation to the EIA screening request CNC/NRW advise that since no in-combination effects can be identified then there is no significant risk to the Gwent Levels SSSIs. Dwr Cymru / Welsh Water advise the site is in an area which is a protected drinking water catchment but do not object to the development.

7.9.7 Overall no reasons can be found to object to the proposal in terms of the management of manure from the birds. No unacceptable harm can be identified in terms of ammonia / nitrogen in terms of aerial deposition and run-off. There is no objection on the basis of odour and the Manure Management Plan will adequately manage the storage and spreading of manure on the surrounding farm. The principles of the plan can be conditioned as part of any approval. Policy GP5 (Natural Environment) is complied with since harm to nationally protected sites (SSSIs) will be avoided and there would be no unacceptable harm to water quality. Policy GP2 (Amenity) is met since the management of manure will not have an unacceptable impact on amenity via odour nuisance.

7.10 [Impact on the setting of MM128 \(Bishton Castle\) – cite submitted report](#)

7.10.1 The proposal is within 200m of the site of MM128 Bishton Castle which is described as:

The monument comprises the remains of a motte and ditch, dating to the medieval period (c. 1066 -1540 AD). The site consists of a semi-circular scarp on the E and S sides of a natural ridge. At the top of the slope the ground appears to have been levelled with two roughly rectangular level areas possibly corresponding to the location of buildings. The monument is of national importance for its potential to enhance our knowledge of medieval defensive practices. The monument is well-preserved and an important relic of the medieval landscape. It retains significant archaeological potential, with a strong probability of the presence of both structural evidence and intact associated deposits. The scheduled area comprises the remains described and areas around them within which related evidence may be expected to survive.

7.10.2 There are no surviving features above ground and CADW have responded confirming they agree with the applicant's assessment that the setting of the monument will be very slightly adversely affected.

7.10.3 Planning Policy Wales Edition 10 (PPW10) states:

The conservation of archaeological remains and their settings is a material consideration in determining planning applications, whether those remains are a scheduled monument or not.

7.10.4 Where there is a direct adverse impact on a Scheduled Monument (a site of national importance) PPW advises that permission should only be granted in exceptional circumstances. In this case there would be no direct impact and so this direction would not apply.

7.10.5 Where remains are less significant (than national importance) planning authorities are advised to weigh the relative importance of the archaeological remains and their settings against other factors, including the need for the proposed development.

7.10.6 Technical Advice Note 24 (The Historic Environment) advises at Paragraph 1.29 *'The local planning authority will need to make its own assessment of the impact within the setting of a historic asset, having considered the responses received from consultees as part of this process. A judgement has to be made by the consenting authority, on a case-by-case basis, over whether a proposed development may be damaging to the setting of the historic asset, or may enhance or have a neutral impact on the setting by the removal of existing inappropriate development or land use'*.

TAN 24 also advises that mitigation such as landscaping can overcome adverse impacts in relation to developments and the setting of historic assets.

7.10.7 The applicant has provided the document 'Bishton Castle MM128 – Impact on Setting of Historic Asset' (May 2019). This confirms intervening vegetation including mature trees forming a grown out hedgerow / small copse mean that the shed will barely be read in conjunction with the monument from publically available views and perhaps not at all since views from Bishton lane and local footpaths towards the monument are highly curtailed. This is especially the case given that the monument consists of earth ramparts and there are no above surface remains. It is likely that the gable of the shed could be viewed from the monument above the trees but very little of the shed would be visible given the maturity and thickness of the hedgerow with some slight worsening in winter when leaves have been lost. However the monument is on private land and this view will be unavailable to most people other than the residents at Castle Farm barns who may have glimpses of this view as they use their access lane. The document assesses the harm to the setting of the monument as very low negative. Officers agrees with this due to the almost complete lack of visual connectivity between the application site and the monument. This slight negative impact is not considered to carry much weight in the planning judgement and certainly would not be determinative unto itself; however it does go against the proposal in the overall balancing of the submission.

7.11 Archaeology

7.11.1 The applicant has undertaken an archaeological evaluation. The Glamorgan & Gwent Archaeological Trust have considered the results and advise that subject to a condition requiring a scheme of historic environment mitigation to be agreed and then implemented. Policy CE6 (Archaeology) is complied with.

7.12 Lighting

7.12.1 The applicant describes highly limited lighting on the site with low intensity lights being installed on the gable ends of the shed. Lighting would only be on during working hours and during bird catching. As such the proposal will spread lighting into an area that is currently unlit. The applicant suggests the land is intensively farmed and is frequently lit at night to facilitate agricultural operations. The site visit suggest this is most unlikely and no weight can be given to this. However subject to a condition requiring the specification of the installed lights and controlling their hours of operation the harm to rural character from lighting would be very limited and would not be unacceptable. Policy SP5 (countryside) is complied with in relation to lighting.

7.13 Impact on local PRowS

7.13.1 No PRowS cross the site but several on the west side of the road overlook the site from an elevated position. The scale of the shed and the limited impact that the proposed planting will have will result in a significantly adverse impact on the amenity of users of these rights of way due to the unmitigated visual impact of the development.

7.13.2 Currently the views to the available from the footpaths west of the site (388/3/1 & 388/2/2) towards the east are across undeveloped countryside with no substantial visual intrusions from any development within those vistas. Other views encompass the converted barns at Castle Farm and that farmhouse and associated buildings but again the context is thoroughly rural with limited built development of no more than moderate scale within the immediate vicinity. There are distant views of the retained Llanwern Steelworks but these are not unduly prominent within the view.

7.13.3 Appeal G6935/A/15/3070024 for a 77m wind turbine at Castle Farm was dismissed in part due to the impact of the proposal on the local public rights of way network which would include the footpaths impacted upon by this development. At Paragraph 12 of that decision, the Inspector said:

I am also mindful of the network of public rights of way that lie between the village and the appeal site. It was evident from my visit that the routes are used recreationally and include

sections that cross fields that abut the appeal site field. The enjoyment of these routes would be severely affected by the presence of the turbine and its sweeping blades.

It is evident that in the mind of the Inspector the scale of the proposed turbine per se (rather than just its movement) would have an adverse effect on the enjoyment of these routes and so opened up the possibility that other large structures could do likewise. This proposed shed is indisputably large in context at almost 150m long. The Inspector also confirmed the steelworks is not prominent in many views around Bishton and its environs (Paragraph 13) which is the case in relation to this site which is quite visually contained.

7.13.4 In terms of the submitted Landscape & Visual Impact Assessment, this concludes that the magnitude of change caused by the development to walkers in the local public rights of way network would be initially moderate reducing to slight over time. The LVIA classes walkers as of high/medium sensitivity and concludes the overall significance on the change in the views experienced by walkers would be initially moderate and would reduce to moderate/minor over time as screening establishes.

7.13.5 In the previous wind turbine appeal near this site recreational walkers on this particular route were classified as medium sensitivity since the route lies outside any designated landscape. However as users of recreational facilities with a high interest in their surroundings such walkers might be more properly seen as medium-high sensitivity and in the LVIA submitted with this application the applicant has arrived at that conclusion. In terms of the magnitude of the impact anticipated this is likely to be medium-high under the terms of reference of the LVIA submitted with the wind turbine appeal since the *'Receptors would experience an apparent change to their views. The proposed development would be prominent in views or would be perceived as the determining factor within the field of view and be difficult not to notice'*. However the LVIA submitted with this appeal is not directly comparable to that LVIA since the terms used differ and in this LVIA the terms are not defined. As such in terms of this LVIA it is difficult to assess whether the magnitude of change is moderate or substantial since those terms are not qualified in any way.

7.13.6 Overall it is difficult to understand how the LVIA has concluded the magnitude of change is moderate rather than substantial since those terms are opaque so there is a clear risk that the overall impact on the visual amenity of users of local public rights of way could be greater than stated i.e. major/moderate and as such more harmful than assessed within the submitted LVIA. In the wind turbine LVIA² a major moderate effect was described as:

Significance of effect	Landscape character description	Visual amenity receptor description
Major	Where the proposed wind turbine would be noticeably out of scale with the character or noticeably alter a recognised landscape or landscape feature.	Where the proposed wind turbine would be uncharacteristic or would substantially alter a valued/ very important view or view of high quality.
Major-moderate	Where the proposed wind turbine would be out of scale with the character or noticeably alter a landscape feature.	Where the proposed wind turbine would be out of scale or at odds with the existing view and would noticeably alter a local view.
Moderate	Where the proposed wind turbine would be at variance with the character and/or landscape elements.	Where the proposed wind turbine would be readily apparent and at variance with existing view.

In terms of the visual amenity of recreational walkers it seems very likely that the proposed shed would have major-moderate impact being out of scale with the existing view and noticeably altering a local view. The proposed shed would be noticeably out of scale with existing agricultural buildings in the vicinity and would be separated from existing building groups in a view generally lacking such isolated buildings. There is an isolated shed approximately 250m from this site but that would not generally be seen in the same view and

² Extract from page 13 of the LVIA submitted with application 14/0713

arguably illustrates the visual harm that accrues from the development of isolated buildings in this area.

7.13.7 The applicant notes the benefits that mitigatory planting will bring concluding the overall effect on visual amenity will reduce over time. This is clearly correct but a submitted image showing the effect of mitigation after 5 years confirms that the roof of the building will remain visible and it would remain impossible not to notice the building in the available view even if it is not sky-lined and reads against a backdrop of gently rising ground. Even allowing for mitigation the shed will remain prominent.

7.12.8 Although the degree of visual impact for recreational walkers is arguably worse than assessed in the submitted LVIA there can be no doubt that the impact on visual amenity is adverse even if a lower level of impact is accepted. If the applicant's assessment of moderately significant overall adverse impact on the visual amenity of recreational walkers was accepted, it does not automatically follow that such a level of adverse impact is acceptable within a planning decision. That impact would need to be apportioned weight and then balanced against other material considerations. In terms of Policy GP2 it is required that a proposal is not detrimental to the character or appearance of the surrounding area or to local amenity in general terms. In this instance the proposal is considered to have an adverse impact on the amenity of users of the local public rights of way network due to its prominence and resultant harm to visual amenity and that this should carry substantial weight. In this respect the proposal is contrary to Policy GP2 of the adopted Newport Local Development Plan 2011-2026 and capable of carrying significant weight in a planning decision.

7.14 Trees

7.14.1 The Tree Officer has requested information in relation to the trees on the site. The applicant has provided a tree survey which identifies that four trees will need to be removed for the scheme to go ahead. All of these trees are in retention category B meaning that they are expected to live and make a contribution for up to 40 years.

7.14.2 The trees that are to be removed are T4, a double stemmed ash, T7 a Field Maple with significant rot in the trunk, T8 an oak with significant rot in the trunk and an imbalanced crown and T9 which is a dead oak that is covered in ivy. All other trees on the site are to be retained. None of the trees are outstanding specimens but they do make a beneficial landscape contribution and offer biodiversity opportunities, for example to deadwood species. The applicant proposes replacement planting to compensate for the lost trees.

7.14.3 The loss of trees within the site is not welcomed but none of the trees is outstanding, other trees are to be retained and the planting scheme offers scope for compensation for the loss of trees. Much of the ecological value comes from the deadwood habitat the trees offer and this can be protected via an Ecological Mitigation Plan (EMP) which would retain the deadwood either on this site or within other land that the applicant has control of. The EMP can also offer enhancement in relation to roosting opportunities for birds and bats which can be conditioned as part of any approval. Planning Policy Wales (Edition 10) requires that:

Development plan strategies, policies and development proposals should be formulated to look to the long term protection and enhancement of the special characteristics and intrinsic qualities of places, be these of natural, historic or built environments, ensuring their longevity in the face of change. This means both protecting and enhancing landscapes, habitats, biodiversity, geodiversity and the historic environment in their own right as well as other components of the natural world, such as water resources or air quality. Problems should be prevented from occurring or getting worse. Biodiversity loss should be reversed, pollution reduced, environmental risks addressed and overall resilience of ecosystems improved.³

As such the EMP can be justified under up-to-date national policy.

³ Underlining – Officer's emphasis

7.13.4 Therefore subject to conditional control over tree and hedge removal the proposal would not have an unacceptable impact on vegetation in landscape terms or biodiversity within the site. Policy GP5vii (trees) is complied with.

7.15 Benefits of the Scheme

7.15.1 The scheme has undoubted merit in terms of providing farm diversification and a new income stream for this farm business. The new shed will allow the latest standards of animal welfare to be met and would allow the use of up to date technologies in terms of manure handling, flock management, ventilation and lighting. There would be a wider multiplier in the agricultural economy with increased demand for feed, transport and veterinary services which would all be beneficial. The increased demand for free range eggs could also be met catering for a growing market sector and that demand would be met within the U.K. economy to an overall general benefit.

7.15.2 In terms of broad principle the development is clearly acceptable in the sense it supports an existing farm business. Local and national policy is supportive of such developments and the benefits of the scheme would attract significant weight in any planning judgement.

7.16 Planning Balance

7.16.1 Officers are satisfied that the applicant has shown that issues relating to noise, traffic generation, highway safety, lighting, odour, trees, bio-diversity, manure management & manure spreading and the protection of surface waters can be acceptably dealt with. The merits of the scheme are clear and attract significant weight in the determination process. However there are significant concerns in relation to the impact of the proposal on the visual amenity of recreational walkers using local public rights of way and Bishton lane. Additionally the landscape impact of the proposal is considered to be significantly harmful. Within the site's locality views are contained within something of a visual 'pocket'. This beneficially cuts off views to the wider landscape but means the building will be highly obtrusive within the immediate vicinity. The siting of the building away from an existing farm complex pushes built development into an attractive and pleasing landscape, additionally the building will be readily visible from Bishton lane. The lane is not exclusively used by motor vehicles; foot traffic, cyclists and horse riders can all be expected within this quiet rural lane and the building will be very evident to users of this highway due to its closeness and its bulk. All of these issues could have been addressed by more careful siting. The need for such careful siting has already been identified and confirmed by the Planning Inspectorate in this landscape. There would be a very slight harm to the setting of Bishton Castle but officers afford this very little weight and do not see this as a reason for refusal unto itself but it does against the proposal in the overall balancing exercise.

7.16.2 Overall although finely balanced officers consider that the adverse impact on visual amenity particularly of users of the public rights of way in the area and upon the landscape character of the locality mean that the proposal should be refused permission.

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 Permission should be refused due to the proposal's unacceptably adverse impact on visual amenity for users of the local public rights of way network and an unacceptably adverse impact on local landscape character.

10. RECOMMENDATION

REFUSED

01 The proposed shed and ancillary structures would have an unacceptably adverse impact on the visual amenities of the users of the local public rights of way network and Bishton lane and is contrary to Policy GP2 of the adopted Newport Local Development Plan 2011-2026.

02 The proposed shed and ancillary structures would have an unacceptably adverse impact on the landscape character of the locality and would constitute prominent and atypical development in the context of the chosen site contrary to Policy GP5 of the adopted Newport Local Development Plan 2011-2026.

NOTE TO APPLICANT

01 This decision relates to the following non-conditioned plans & documents:

- Design & Access Statement
- Figure LV1 – Zone of Theoretical Visibility and Landscape Character
- Figure A – Zone of Theoretical Visibility of Alternative Building Location
- Unnumbered Drawing - Single Application Form (Ranging Plan)
- Viewpoint 2 – Local Road North of Site
- Viewpoints 3 & 4 – Northern Edge of Bishton & Footpath North East of Bishton

- Viewpoints 5 & 6 – Junction of Footpath & Local Road to North, Footpath North East of Bishton
- Drawing RJC-MZ194-01 – Location Plan
- Drawing RJC-MZ194-06 – Landscaping Plan
- Welsh Government Screening dated 11 December 2018
- Technical Note – Highways (27 February 2019)
- Archaeological Evaluation (February 2019)
- Arboricultural Assessment (February 2019)
- Plant Noise Assessment (21 January 2019)
- Dispersion Modelling Study of the impact of Odour (03 January 2019)
- In-combination Assessment
- A Report on the Modelling of the Dispersion and Deposition of Ammonia (07 August 2018)
- Landscape & Visual Impact Assessment (April 2018)
- Lighting Design Scheme
- Management Plan (March 2018)
- Method Statement -Pollution Prevention
- Manure Management Plan (March 2018)
- Noise Management Plan (March 2018)
- Odour Management Plan
- Pest Management
- Pre-application consultation (PAC)
- Transport Assessment
- Bishton Castle MM128 – Impact on Setting of Historic Asset Planning Application 18/0756 (Newport) (May 2019)
- Drawing SK218112-01 REV A - Revised Vehicular and HGV Access Strategy
- Drawing SK218112-03 REV A - Revised Vehicular and HGV Access Strategy _ Hardstanding Area
- Drawing SK218112-04 Rev A - 16.5m Max Legal Articulated Vehicle Left Turn Into Site
- Drawing SK218112-05 REV A - 16.5m Max Legal Articulated Vehicle Right Turn Out of Site
- Drawing SK218112-06 - Rigid Vehicle Left Turn Into Site
- Drawing SK218112-07 - Rigid Vehicle Turning Within Site
- Drawing SK218112-08 - Rigid Vehicle Right Turn out of Site
- Drawing RJC-MZ194-02 – Proposed Elevations & Floor Plan (not including access or hardstanding)
- Drawing RJC-MZ194-03 – Proposed Block Plan (not including access or hardstanding)
- Drawing RJC-MZ194-05 – Proposed Drainage Plan (not including access or hardstanding)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP5, SP9, GP1, GP2, GP3, GP4, GP5, GP6, GP7, T2 and T4 were relevant to the determination of this application.

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

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

05 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and

it is recommended that it is carried out either by a CfA Registered Organisation (www.archaeologists.net/ro) or an accredited MCfA grade Member.

APPLICATION DETAILS

No: 18/1240 **Ward:** VICTORIA

Type: FULL (MAJOR)

Expiry Date: 13-FEB-2019

Applicant: 45 CROYDON WAY LTD

Site: LAND AND BUILDINGS ENCOMPASSING 14 TO 18, CLARENCE PLACE,

Proposal: PART DEMOLITION, RESTORATION, REDEVELOPMENT AND EXTENSION OF EXISTING LISTED BUILDING TO FACILITATE CHANGE OF USE TO FIFTY EIGHT BED HOTEL, 2NO. GROUND FLOOR COMMERCIAL UNITS AND ASSOCIATED DEVELOPMENT

Recommendation: GRANTED WITH CONDITIONS WITH DELEGATED AUTHORITY TO HEAD OF REGENERATION INVESTMENT AND HOUSING TO ISSUE A DECISION AFTER 18TH JUNE IF NO OBJECTIONS RECEIVED FROM CADW

1. INTRODUCTION

- 1.1 This application seeks to part demolish and restore, refurbish and extend the building formerly occupied by TJs, a popular live music entertainment venue that operated over the 1980s, 90s and 2000s. It is proposed to change the use of the building from a club/live music venue to a 58 bedroom hotel and 2 ground floor commercial units. The submitted planning statement confirms the end user of the hotel to be "Easy hotel", a contemporary room only based hotel with limited reception facilities and no associated restaurant, gym etc. This will be the second such hotel in Wales. The ground floor units will front onto Clarence Place and are proposed for A1, A2 or A3 uses. Clarence Place is a local centre.
- 1.2 The building is grade II listed and has been vacant for several years. It is currently in a state of disrepair and is at risk of dereliction. It has been subject to anti social behaviour and was the subject of a fire in 2013 that caused considerable water and fire damage to the upper floors and roof. Case officer visits confirm that whilst the building is now secured, the upper floors are unsafe and the building is vulnerable. The building is currently unusable due to its poor condition. The rear of the site shows evidence of persistent anti social issues with a considerable amount of discarded drug paraphenailia readily visible. A separate Listed Building Consent is being considered and will be determined by officers under delegated powers.
- 1.3 The building occupies a prominent position on Clarence Place and has an imposing 3 storey period frontage forming part of a terrace of similar designed properties in close proximity to the listed arts college. The building is subject to a Listed Building Enforcement Notice requiring works to the façade to safeguard the building. This Notice has been the subject of successful prosecution proceedings by the Council against the previous owners of the building and the re-use and restoration of the building is welcomed in principle. Furthermore, the new owners have liaised with the Council through its pre application enquiry service in an effort to expedite the planning process having regard to the building's condition and the extant Notice. This co-operation is also welcomed.
- 1.4 The TJs nightclub was a local landmark in Newport's musical and cultural history. However, the nightclub closed down following the death of the long time owner and manager in 2010 and was subsequently sold. There is no evidence of any realistic attempts to re-use the site for live music purposes since this time and by reason of the site's poor condition and necessity for significant potential expenditure early in any restoration project, there is likely to be few uses that could viably reoccupy the building at this time. Notwithstanding, there is

potential for new uses to incorporate information boards associated with the building's previous use and connections to the music scene both locally and nationally and this would likely be beneficial for tourism and cultural heritage reasons. Details of such matters can be secured by way of appropriate condition.

- 1.5 The key issues for consideration in this case are the impact of the proposed development on the historic asset, urban regeneration, flood risk, impact upon highway safety and parking, design, noise effects and impact upon neighbouring residential amenity.

2. RELEVANT SITE HISTORY

90/1298	Extension to rear of nightclub to provide additional WC accommodation	Granted
91/0907	Extension to restaurant (TJs)	Refused
92/0095	Change of use of premises to restaurant following refusal of 91/0907	Refused
03/1197	Change of use of rear of no. 12 to provide extension to adjacent nightclub	Granted
03/1215	Listed building consent for alterations to existing ground floor storage rooms to provide new WC facilities and new bar facilities for existing club	Granted

3. POLICY CONTEXT

- 3.1 Planning Policy Wales (edition 10) is the relevant national planning policy document.

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

There are a number of policies relevant to the proposed development, including:

- SP1 Sustainability
- SP3 Flood Risk
- SP9 Conservation of the Natural, Historic and Built Environment
- SP18 Urban Regeneration
- SP19 Assessment of Retail Need
- GP1 General Development Principles – Climate Change
- GP2 General Development Principles – General Amenity
- GP4 General Development Principles – Highways and Accessibility
- GP5 General Development Principles – Natural Environment
- GP6 General Development Principles – Quality of Design
- GP7 General Development Principles -
- CE1 Routeways, Corridors and Gateways
- R8 Small Scale Retail Proposals
- T4 Parking

Relevant Supplementary Planning Guidance

- Wildlife and Development, August 2015
- Parking Standards, August 2015
- Security Measures for shopfronts and commercial premises, August 2015
- Air Quality, February 2018

4. CONSULTATIONS

- 4.1 CADW: comments awaited.

SOUTH AND EAST WALES AMBULANCE DIVISION: no response.

WELSH WATER: the foul flows only from the proposed development can be accommodated within the public sewerage system. A water supply can be made available to serve the development.

NATIONAL GRID: no response.

NEWPORT CHAMBER OF TRADE: no response.

NATURAL RESOURCES WALES: has significant concerns with the proposed development as submitted. Recommend that planning permission only be granted if additional information is provided. Otherwise object.

The application proposes highly vulnerable (the hotel) and less vulnerable development (the 2 commercial units). The site is zone C1. The updated FCA fails to demonstrate that the potential consequences of flooding can be managed to an acceptable level. The FCA states that the floor level will be set at 7.88m AOD but this may not be definite given the development is a refurbishment and is subject to confirmation. Another section confirms it is proposed to set FFL at 7.91m AOD. The predicted flood depth for a 75 year flood event is 8.015m AOD. The building would not therefore be flood free in the 0.5% plus CCA event and would not meet the criteria of A1.14 of Tan 15. In a 60 year lifetime of development and up to a 72 year lifetime, the building would be flood free in such an event.

NEWPORT ACCESS GROUP: no response.

NEWPORT CIVIC SOCIETY: no response.

ARCHITECTURAL LIAISON OFFICER (GWENT POLICE): no response.

SENIOR FIRE PREVENTION OFFICER: standard comments received advising the developer consider that adequate water supplies can be provided for firefighting purposes and there is access for emergency firefighting appliances.

THE THEATRES TRUST: no objection. It will be beneficial for Newport to see the site restored and brought back into active use.

WALES AND WEST UTILITIES: as there are live gas services at the property, Wales and West should be notified prior to demolition so that these can be disconnected.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF REGENERATION INVESTMENT AND HOUSING (CONSERVATION): no response.

HEAD OF CITY SERVICES (WASTE): no comments. As a commercial operation it will be subject to a chargeable commercial waste collection service.

HEAD OF CITY SERVICES (HIGHWAYS): In accordance with the Newport City Council parking Standards the existing and proposed uses generate the following parking demand:

- Existing
 - Operational – 1 Commercial vehicle space
 - Non-operational – 1 space per 3 non-resident staff and 1 space per 5sqm of public area including servery
- Proposed
 - Hotel
 - Operational – 1 commercial vehicle space
 - Non-operational – 1 space per 3 non-resident staff and 1 space per bedroom
 - Restaurant (maximum parking requirement)
 - Operational – 1 commercial vehicle space
 - Non-operational – 1 space per 3 non-resident staff and 1 space per 7sqm of dining area.

The applicant has stated that the existing building has 400sqm of public space which generates a parking demand of 80 spaces. No details have been submitted in regard to staff however it's clear that a number of staff would've operated at the facility and therefore generated a parking demand. The existing use would also generate a parking demand of 1 commercial vehicle space.

The proposed hotel will generate a non-operational parking demand of 58 spaces at a ratio of 1 space per bedroom. In addition the staff will also generate a parking demand however details of staff have not been submitted.

The applicant has determined that the proposed restaurants will generate a non-operational parking demand of 8 spaces based on an assumed dining area of 60% of floor space. Again no details of staff numbers have been provided.

On the basis that the existing use can be considered as a viable fall back I'm satisfied that there will be no increase in non-operational parking demand.

The operational requirements will remain unchanged when comparing the club and hotel. The proposal however includes the addition of 2 units facing onto Clarence place which generates a demand for 2 commercial vehicle spaces in addition to the hotel. This facility cannot be provided off street and therefore delivery vehicles would have to load and unload from the highway. Available kerbside area to load and unload is heavily restricted along Clarence Place with much of its length being subject to a prohibition of waiting at any time and prohibition of loading/unloading. There is a limited waiting bay to the front of the property however demand for parking in this area appears to be high and I would suggest that space to accommodate a delivery vehicle is not readily available. The lack of space to load and unload may result in illegal or obstructive parking which would be detrimental to highway safety and the free flow of traffic. In particular this could have a detrimental impact of the bus lane on Clarence Place. I would also suggest that a HGV would overhang into the bus lane when using the limited waiting bay to load and unload. Loading and unloading on the highway is also considered detrimental to highway safety and in particular pedestrians. I must therefore object to the proposed units on Clarence place as the operational requirements of the Newport City Council Parking Standards cannot be met.

HEAD OF PEOPLE AND TRANSFORMATION (TOURISM): This site is of significance in that it is on the site of the old TJ night club, and part of an historic façade .

The occupancy level of serviced accommodation in Newport is quite high , evidencing that demand is there .

The development of a 58 bedroomed hotel , would add to the capacity requirements created by the opening of the ICCW in mid-2019 . A study done by consultant Sally Greenhill for the ICCW stipulates that an additional 100,000 bed nights will be required in the area when the convention centre is performing and attracting the large associations .

The development is near the City Centre and within walking distance from the rail station , or short Taxi ride .

It is opposite a multi-story car park which is reasonably priced , which may make up for the immediate lack of parking .

I do not see a full restaurant within the planning design, which goes to support the eating places in the area rather than competing with them .

This does help towards sustainability for the visitor economy in the broader sense .

As such I support the development from the capacity need perspective .

It would be good if any developer can keep the ' sense of place ' or heritage aspect of this in some way , to give it character .

HEAD OF REGENERATION INVESTMENT AND HOUSING (URBAN REGENERATION):

The former TJs nightclub is currently in a dilapidated state that belies its heritage and recent cultural relevance to the city. Neglected for many years, it is clear that in its current format it has no realistic potential for return to use. Along with a great many other city centre properties, diversification in order to take advantage of new opportunities being created by key economic drivers across the city is critical if it is to break the spiral of decline within which it currently exists.

Within this local economic context, the proposed hotel development should be particularly welcomed. This use clearly reflects the growing status of Newport as a destination and accords well with the Council's aspiration that the city derive the maximum benefit from the development of the Welsh International Convention Centre at the Celtic Manor. An emerging cluster of hospitality sector interest can be clearly identified in and around Clarence Place. Provision of delegate accommodation for the events hosted at the WICC will be critical to its success, and the influx of visitors to the city will encourage greater footfall and retail, leisure and food and beverage spend.

At present the pipeline of hotel development in Newport is insufficient to meet the demand created by the WICC. An increase in suitable bed spaces is an absolute necessity for Newport if the economic benefits of the WICC are to be realised. The gap in supply will undermine the ability of the WICC to attract potential conference organisers who may seek venues and accommodation in neighbouring cities.

The proposal is in general a sympathetic attempt to return a heritage asset to use, which will have more general economic impact by contributing to an improved perceptions of the city, it's environment and sense of place.

In conclusion, the former TJs nightclub has little probability of being returned to beneficial economic use in its current incarnation and has the potential to attract much needed investment via the proposed redevelopment and change of use. I would welcome and support the proposal and the value it will add to the city centre's economy and image.

HEAD OF LAW AND REGULATION (PUBLIC PROTECTION): no objection but recommends conditions to minimise noise impact on nearby residential properties. This includes the provision of a CEMP, the implementation of noise mitigation works, details of plant and equipment, opening hours for commercial units and servicing hours.

HEAD OF REGENERATION INVESTMENT AND HOUSING (PLANNING POLICY):

Site context

This application seeks advice for the development of a hotel and ground floor commercial units at Nos. 14-18 Clarence Place. This former nightclub is a listed building and has been derelict for many years, the building is considered to be at Risk. The site is located within the Settlement Boundary of Newport in a central location with very good access to the city centre and local facilities. The application site is located within Parking Zone 2, Flood Zone C1 and an Air Quality Management Area as noted within the Local Development Plan. The application will also be judged against General Development Principles.

POLICY CONSIDERATIONS

National Planning Policy

Planning Policy Wales (Edition 10)

Planning Policy Wales is clear that wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration. The important role that retail and commercial centres have in creating diverse and vibrant cultural and creative places and the wider benefits these bring in stimulating wider regeneration should be recognised by planning authorities.

The planning system encourages tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities. Much of the existing provision of facilities and accommodation for tourism occurs in urban locations, including historic and coastal towns and cities. There will be scope to develop well-designed tourist facilities in urban areas, particularly if they help bring about regeneration of former industrial areas. The sensitive refurbishment and re-use of historic buildings also presents particular opportunities for tourism facilities.

For such listed buildings, the aim should be to find the best way to protect and enhance their special qualities, 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 planning 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.

Local Planning Policy

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

There are a number of policies relevant to the proposed development, including:

- SP1 Sustainability
- SP3 Flood Risk

- SP9 Conservation of the Natural, Historic and Built Environment
- SP18 Urban Regeneration
- SP19 Assessment of Retail Need
- GP1 General Development Principles – Climate Change
- GP2 General Development Principles – General Amenity
- GP4 General Development Principles – Highways and Accessibility
- GP5 General Development Principles – Natural Environment
- GP6 General Development Principles – Quality of Design
- GP7 General Development Principles -
- CE1 Routeways, Corridors and Gateways
- R8 Small Scale Retail Proposals
- T4 Parking

Relevant Supplementary Planning Guidance

- Wildlife and Development, August 2015
- Parking Standards, August 2015
- Security Measures for shopfronts and commercial premises, August 2015
- Air Quality, February 2018

The Proposal

SP3 Flood Risk

A Flood Consequence Assessment has been provided as part of the application which is welcomed. However, it is noted that the lifetime of development has been set at 60years which is not in line with policy requirement of 75year for non-residential development. An update to reflect this lifetime of development is therefore required to satisfy policy. Due to the sensitive nature of the use the development will need to ensure it meets the justification tests set out in TAN 15, i.e. 'The potential consequences of a flooding event for the particular type of development have been considered and in terms of the criteria contained in sections 5 and 7 and appendix 1 (TAN15) found to be acceptable.'

SP 9 Heritage

The site is a Listed Building and the specific impact of the proposal on this heritage asset will be provided by the Councils Conservation Officer who will provide a response on this matter. The proposal to bring an at risk property into a sustainable use is strongly supported in principle.

SP18 Urban Regeneration

This policy is clear that proposals that assist in the regeneration of the urban area should be supported. In this case the proposal would aid in the provision of new business uses in what is a derelict and underused site which is welcomed.

CE1 Routeways, Corridors and Gateways

This policy is clear that development proposals affecting a key routeway into the city, which Clarence Place is considered to be, should protect and enhance the appearance and connectivity of such a main route. It is considered that the proposed scheme would bring back a derelict site into a positive use which would have a positive impact on such a routeway.

SP19 and R8 Retail

The application site is located within the defined Clarence Place Local Centre and an assessment of need is therefore not required as per Policy SP19 – Assessment of Retail Need. The Policy (SP19) does however require the application of the sequential test if the proposal is not within the city centre. This has not been provided. However, whilst there are a number of vacant units within the city centre that could potentially accommodate the proposed uses, the proposal is considered to be of an acceptable scale to the centre and will serve the immediate

local community, which is consistent with the purpose of a Local Centre. In this instance, it is not considered necessary to insist on a sequential test.

Policy R8 does require a number of criteria (set out below) to be satisfied, justification for the scheme would need to be for the local area only. It is accepted that criteria ii and iii are satisfied, but some further information on the perceived under-provision in the area would be useful in order to fully satisfy criterion i. Environmental Health and Highways comments will be required in order to understand whether criterion iv can be satisfied.

- i) NEW RESIDENTIAL DEVELOPMENT WOULD BE SERVED OR THE PROVISION WOULD CATER FOR UNDER-PROVISION IN THE AREA;**
- ii) THE PROPOSAL IS OF A SCALE APPROPRIATE TO THE LOCALITY;**
- iii) THERE WOULD BE NO ADVERSE EFFECTS ON THE VIABILITY AND VITALITY OF ANY DEFINED CENTRE;**
- iv) THERE WOULD BE NO UNACCEPTABLE EFFECT ON THE LOCAL RESIDENTIAL AMENITIES OR THE GENERAL CHARACTER OF THE AREA IN TERMS OF NOISE AND DISTURBANCE OR EXTRA TRAFFIC GENERATED.**

T4 Parking

All of the proposals are located within parking zone 2 which is considered as City Centre Fringe. That is the centre of towns which local people regard as their destination for most activity which is not met within their own local community, or an area immediately adjacent to the City Core (Zone 1). The area has a full range of retail activity and many commercial businesses, all within walking distance. The area is the focus of the local bus network and is likely to contain a railway station. Built density is high with little private car parking. There are significant parking restrictions and substantial amounts of off-street car parking available to the public. A detailed response will be provided by the Council's highway officer.

Planning Policy Wales has recently been updated (December 2018) to reflect the Well-Being and Future Generations Act. This policy is clear that planning authorities must seek to reduce the level and speed of traffic in new development. In terms of parking provision it is noted that this should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The central urban location of the site provides a range of accessible forms of transport which should be utilised to meet this overarching policy requirement to reduce levels of traffic within new development.

In addition to this there is a requirement on Local Authorities to establish acceptable levels of parking for various development types. Newport has adopted Parking Standards SPG (August 2015) which sets out such standards. What is clear from PPW is that such local parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.

It is noted that private non-residential parking can be a significant component of parking provision in town centres. Although the site is not within the defined City Centre area it is a central area that shares much of the accessibility of a city centre site. PPW notes that authorities should, where appropriate, seek to encourage appropriate redevelopment or re-use of existing private parking sites to bring the provision down, and should refuse planning permission for public and private car parks which do not meet the strategic aims of the development plan and LTP. The inference of this policy stance is clear and a reduction of parking spaces to those set out within local policy could be considered acceptable as long as there is no significant detriment to the surrounding environment.

Transport Assessments

Planning applications for developments, including changes of use, falling into the categories identified in TAN 18: Transport, must be accompanied by a Transport Assessment. In addition, in areas where the transport network is particularly sensitive, planning authorities

should consider requiring Transport Assessments for developments which fall outside of the thresholds set out in TAN 18. Transport Assessments can be required for any proposed development if the planning authority considers that there is a justification or specific need. In this case the location of the development affecting an air quality management area and principal route into the city would result in such an assessment being necessary.

Air Quality

On a related point the development will impact on the Chepstow Road/Caerleon Road Air Quality Management Area and as such the development has been required to provide an air quality assessment. More information on this can be found within the Councils adopted Air Quality Supplementary Planning Guidance (February 2018). The SPG notes that well designed and implemented traffic management measures that discourage polluting vehicle usage can help to secure planning objectives in a number of ways, including air pollution & active travel. In addition to the local policy Planning Policy Wales is clear that where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have ULEV charging points. In such a sensitive area the reduction of car based transport will be encouraged and any such remaining transportation should be mitigated so that the impact on the existing AQMA is proven to be acceptable. A response on the impact to the AQMA will be provided by the Council's Scientific Officer.

GP5 Natural Environment

The site has potential for ecology value e.g. bats and it is noted a study has been provided. A response on this impact will be provided by the Council's ecologist.

CONCLUSION

In this case the Planning Policy Team would support the regeneration of this currently derelict site and bring a listed building back to a sustainable use on the basis that the applicant satisfies any concerns raised by other consultees.

HEAD OF LAW AND REGULATION (SCIENTIFIC OFFICER): The proposed development is located within an Air Quality Management Area – the development is likely to have a near equivalent traffic impact compared to the current planning use. The proposed cycle storage facilities and providing customers with advice on sustainable travel methods (public transport etc) is welcomed as a useful method of helping reduce air pollution. I therefore have no objection to this application.

HEAD OF CONTINUING LEARNING AND LEISURE: no response.

HEAD OF CITY SERVICES (DRAINAGE): no response.

HEAD OF CITY SERVICES (ECOLOGY): no response.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties within 50m of the application site were consulted (95 properties), a site notice displayed and a press notice published in South Wales Argus. 10 items of post returned to sender as addresses did not exist, were inaccessible or addressee had gone away. X letters received for the following reasons:

- Inadequate parking facilities for guests and hotel staff. There is no consideration for contractors vehicles, equipment and consequential storage and removal of debris. Will they access via St Vincent Road? If so, residents close by will be subject to intolerable disturbance and inconvenience. The area is already overdeveloped.
- I can see a number of benefits to the area once up and running but some concerns rather than out and out objections as the submission is more focussed upon operations rather than during the redevelopment itself. They should provide a statement on how they intend mitigating disruption in terms of parking and traffic on Rodney Road/Clarence Place while the demolition and other operations are taking place. Secondly, there should be a declaration on how they will mitigate the inevitable dust and other rubble during the demolition phase.

Finally, what if the developer runs out of money and the development is not completed? It would be abandoned and an eyesore.

- Totally reject this idea as there is enough trouble with parking and those with parking permits cannot park in their own street as no one is checking permits.

6.2 COUNCILLORS RICHARDS, GUY, JORDAN, TOWNSEND, HOLYOAKE, DUDLEY, CLARKE, BERRY, ALNUAMI, MOGFORD, WHITE, LINTON, RAHMAN AND JENKINS have been consulted. No responses received.

7. ASSESSMENT

7.1 Background

7.1.1 In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Historic Environment Wales Act 2016 which provide the legislative framework for the protection and sustainable management of the historic environment in Wales, and Planning Policy Wales edition 10 that provides the national planning policy framework for consideration of the historic environment (supplemented by Technical Advice Note 24), 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 it possesses.

7.1.2 There is a general presumption in favour of the preservation or enhancement of a listed building and its setting. The application of planning 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. Applicants must be able to justify their proposals, show why the alteration or demolition of a listed building is desirable or necessary and consider the impact of any change upon its significance.

7.1.2 In this case, the proposal includes the re-use of a derelict listed building in a prominent location. To facilitate its re-use the proposal includes alterations and extension of the building and heritage impact information has been provided as required. There have been no other proposals for planning permission to re-use the building since its closure in 2010 and the building is known to have changed ownership several times.

7.1.3 Clarence Place is located close to Newport City Centre and is a local centre sharing many of the accessibility characteristics of a central location. It is a primary transport route into the centre. It comprises a mix of residential and commercial units with excellent connectivity to central transport hubs. Level walking access exists via a mixture of roadside pavements and pedestrian priority areas to nearby commercial services and the city centre. Pedestrian underpasses provide segregated pedestrian access to the city centre although these are often less attractive to users for anti social reasons. Nevertheless, the riverside walkways on both sides of the River Usk provide opportunities for both cycle and pedestrian routes that avoid the older subways with a dedicated non-car crossing at the footbridge adjacent to the University campus and easy access to the central bus station and other key bus stops, the central shopping and associated services area, leisure and higher education facilities. In short the site is highly sustainable.

7.2 The Historic Asset and Heritage Matters

7.2.1 The site is grade II listed C20 commercial property. Its primary reason for listing is its integral part of an early C20 commercial development, attached to and for group value with the Technical Institute on one side and Nos 20-34 Clarence Place on the other. It forms part of an overarching listing of multiple properties in the terrace and no.12 that adjoins the site has its own additional listing. It is believed to date to 1909 and whilst little is known about the reasons for its development in the early 1900s, the building has more recently enjoyed an enviable reputation amongst music fans as a venue that saw many well know bands perform. It has been vacant for at least 5 years.

It is in very poor condition throughout and is currently the subject of unresolved Listed Building Enforcement Notices requiring remedial works to the façade in particular. Further prosecution in relation to these Notices has been deferred pending the consideration of this proposal and progression of any approved scheme by the current owners.

- 7.2.2 The proposed development will see a commercial use put back into what was originally a commercial building, which is welcomed. The shop frontages at the ground floor will be able to enhance the current situation and provide active shopfronts in a sensitively designed manner. The primary elevation is significant and has a strong presence in the streetscene particularly because of its group merit with its neighbouring properties. The proposal does not impact on the synergy between these properties but improves its standing within the row. This is a real opportunity to bring back much of the historic character to the front elevation and make a positive impact to this neglected site.
- 7.2.3 The project has been subject to pre application negotiation with input from heritage personnel from both sides and value has been added in many respects. The rear flat roof single storey extension will be demolished as is of no merit. Its removal is therefore acceptable. The roof will be replaced and some rebuilding will be required, notably at the rear where the original rear wall has been removed at ground floor as part of previous extension works. It is anticipated that due to internal damage sustained through years of dereliction and a previous fire and associated water damage, much of the interior walls and ceilings will be removed and the building effectively gutted. A heritage statement has been provided with the submission to justify the proposed works. New traditional shopfronts will be installed at the ground floor front façade. These have regard to shopfronts that would have been expected and are acceptable. A large new extension is proposed at the rear. This measures 7.5m high for 2 storeys, 10.5m high at 3 storeys and 13.2m high total. It is 11.3m wide and 18.5m long at its longest (reducing to 15m long at second floor and 12 long at third floor).
- 7.2.4 Internally, the ground floor retains little to nil of its original character and features at upper floors have been subject to much damage and previous alteration. They have also significantly degraded over recent years but, in any event, previous alterations have left few features of merit with the staircases and some fireplaces of most value along with the evidence of previous layout at upper floors that still remains. Externally, the building presents a valuable façade and is arguably the most important element in heritage terms. It is proposed to replace existing windows and doors, retain existing chimneys externally and extend the roof to accommodate additional rooms. Existing features to the front elevation will be retained and repaired. As part of a group, retention of the fenestration detailing is important here and the works proposed do this. The roof extension has been subject to much discussion involving the Council's Conservation Officer and the current plan reflects these discussions and whilst some detailing elements may be required by condition as part of the Listed Building Consent application, the works proposed to the roof are acceptable. Survey work has been unable to establish what previous alterations may have occurred to the roof structure as the area is inaccessible for structural reasons. Nonetheless, externally the roof is an important element of the façade and the alterations must be undertaken sympathetically. No change would be preferred but in this case would likely make the proposed hotel use unviable as the scheme is reliant upon a minimum number of rooms and this is dependent upon those proposed in the extended roof space. Consequently, a pragmatic approach is taken here and the works proposed, having been subject to the discussions mentioned, are justified and limit alterations to the front roof slope.

7.2.5 The Heritage Statement confirms:

6.9 Any adverse impacts, arising from the implementation of the proposed development must from the beginning be set in their proper context. The buildings are all vacant and derelict, and the evidence is that they have been in that condition for a prolonged period. It is clear that this has had an impact on the conservation of the buildings, not only because the lack of regular repair and maintenance had led to the ingress of rainwater and the consequent deterioration of internal fixtures, fittings and architectural details; but also because holes in the roof and broken windows have enabled pigeons to become established; the rotting carcasses and accumulations of droppings both meaning that the timber floor structures are either fragile or entirely missing.

6.10 Regardless of the likely impact of the proposed development, the long-term conservation of the listed buildings is already threatened by the current absence of maintenance; which is further highlighted and underlined by the recent use of the buildings by rough sleepers and drug takers. This use has been curbed for now, but evidence is clear that the problem remains a local one and could potentially return in the absence of a stable and long-term use for the buildings.

This is supported by evidence gathered during the officer site visit and the rear yard also displayed considerable evidence of drug taking with evidence of attempts to access the building also visible. The building is currently secured but the rear yard remains accessible and whilst these social-economic issues are not unique to the site, it is confirmed that the building and site are at risk of such activities as long as it remains vacant.

7.2.6 The bulk of the extension works are to the rear of the site and will have limited impact upon the character of the listed building. The extension will be visible from St Vincent Road and the rear façade is a much plainer brick façade with numerous alterations. Works to repair or replace openings in the existing rear wall are proposed but retain suitable design and proportions. The rear extension is a large addition and adopts a contemporary design. The rear roof slope will be altered to incorporate a mansard thereby minimising changes to the front slope whilst enabling accommodation in the roof slope essential to the future use.

7.2.7 At time of writing the final written comments of the Conservation officer had not been received albeit that much discussion has taken place and it is known that the Conservation Officer is supportive of the proposals. Therefore these will be reported as part of a late representations report. As previously advised, a separate Listed Building Consent application is being considered for the works and will be determined at a later date under delegated powers. This will deal with finer detailing matters related to the restoration of the Listed Building.

7.2.8 The proposal is considered to conserve the historic asset on the site and potentially secure a viable re-use for a building that is otherwise at significant risk. It has a positive impact upon nearby listed buildings and their settings, notably in relation to works to the front elevation and its re-use. Whilst the rear extension will have some impact on these buildings to the rear, this is offset by the improvements that accrue from the viable re-use of the building, associated enhancement of the front façade and the large scale repair of this derelict building. It does not propose any works that would impact upon the setting of the Scheduled Ancient Monument at Newport Castle which is located on the opposite side of Newport Bridge but visible from the site although Cadw's comments are awaited on this. Cadw did respond to this effect as part of the statutory pre application consultation exercise and comparable views are expected now. The works will enhance the area's image and retain the building's valuable contribution to the group of historic buildings included in the listing. Policy SP9 of the Adopted Local Development Plan is complied with.

7.3 Urban Regeneration

7.3.1 The Urban Regeneration Manager has confirmed the proposal to be a positive one with benefits to both the local economy and Newport's image. The Tourism Officer has also expressed support for the proposal. The re-use for hotel accommodation is particularly welcomed as there is considered to be a need for such accommodation. Furthermore, the building is in such a poor condition, albeit largely intact externally, that significant investment will be essential to bring it back into beneficial use. In the absence of an end user this investment risk is unlikely to be an attractive proposition for most and the building is at real risk of remaining derelict indefinitely if a new use for it is not secured. The re-use as a hotel enables the building's principal façade to be preserved and refurbished with noticeable improvements proposed to the proposed ground floor shopfronts following negotiation with Planning Officers. Whilst the budget hotel provider is "Easy hotels" will manage the hotel use, the ground floor commercial units are speculative with no end users identified at time of writing. Notwithstanding this, having regard to their location and the improvements and future use of the building proposed, these units will likely prove attractive to small businesses looking to take advantage of its sustainable location on a key routeway and in close proximity to an expanding residential population. These units also have the potential to serve the proposed hotel use. These units accord with policy R8 of the Local Development Plan and whilst a sequential test has not been provided in accordance with policy SP19, the units are commensurate to their local centre position and will make a positive contribution to its vitality in an area where much new residential development will be served.

7.3.2 At present the building has a dead frontage, boarded at ground floor and in a poor visual condition at upper floors. This gap in active frontage to this primary thoroughfare, coupled with the building's overall condition and appearance, detract from the appearance of the streetscene and give a poor impression to this key entrance into the city centre which has seen much redevelopment and public space enhancements in recent years. As the Urban Regeneration Manager has commented, the proposal will bring significant enhancements in visual amenity terms and therefore improve the image of this part of the City. It will also bring commercial uses in the hotel and ground floor outlets that have the potential to attract expenditure to this part of the City and the City Centre by reason of its easy accessibility to both. In short, the proposal has significant urban regeneration and economic development merit and this must be afforded substantial weight in the decision making process. It complies with policies SP18 and CE1 of the Adopted Local Development Plan which favours proposals that assist the regeneration of the urban area, particularly where they contribute to the vitality, viability and quality of the environment of the City Centre; the provision of residential and business opportunities in the urban area; the reuse of vacant, derelict or underused land; and encourage the development of community uses where appropriate. Policy CE1 relates to enhancements along major routes. The proposal achieves most of these objectives and in terms of urban regeneration and associated benefits accords with national planning policy contained in Planning Policy Wales 10. It is therefore welcomed in this respect.

7.4 Flood Risk

7.4.1 A key constraint to development is the site's location with flood zone C1. Technical Advice Note 15 is therefore relevant. Policy SP3 of the Adopted Local Development Plan states that development will only be permitted in flood risk areas in accordance with national guidance. A Flood Consequences Assessment has been provided for consideration but identifies a 60 year lifetime of development. This does not accord with national guidance which states that commercial uses must assess a 75 year lifetime of development. Natural Resources Wales has raised objections to the development but has also confirmed that the development is flood free during a 1 in 200 year flood event up to a 72 year lifetime of

development and only thereafter would be subject to flooding which is contrary to the requirements of TAN15.

7.4.2 Whilst the ground floor commercial units are not of concern in this case, the hotel use is highly vulnerable in flood risk terms and 12 rooms are located at ground floor. The site is at risk of flooding and is therefore required to meet the justification test and acceptability criteria set out in TAN15. In this case the justification test is met in most respects as the proposal is required to sustain and regenerate and will support employment objectives. It is also previously developed land. However the justification test also requires for the potential consequences of flooding to have been considered and found to be acceptable having regard to TAN15. This aspect is considered further below.

7.4.3 The applicants have provided a flood evacuation plan in support of their proposals. This confirms that one member of staff will be present on site to assist hotel visitors. The hotel management will sign up to NRW's flood warning system and will not book ground floor rooms when warnings are in force. Bookings will favour upper floor rooms and in the event of a flood or warning, patrons will be evacuated to the rear via the service yard and to St Vincent Road. As a worst case, they will be moved to upper floors. Flood data sets from NRW suggest that depth of flooding to the rear of the site will be less than at the front and up to 600mm. However higher depths will affect part of the rear service yard and lane and velocity of flood water exceeds TAN 15 requirements. The predicted flood depth for a 75 year (2093) flood event is 8.015m AOD. With proposed finished floor levels of 7.91m AOD the building would flood but not to a significant degree.

7.4.4 The development will not comply with the requirements of TAN15. Whilst risks can be minimised by the matters confirmed by the applicant, some risk will remain. The risk is tidal and advance warnings will be given. The applicants have also advised of operational management that can reasonably reduce risk should a flood event warning be given or actual flooding occur. There is a risk of night-time flooding and without proper management, this could pose risks to life but such risk is limited by the low projected flood depths in the building. However, the applicant understands the risks and has shown that this can be minimised. Additional information relating to finished floor levels are required but scope to increase these are limited and would have potential knock on effects in terms of amenity and heritage impacts. The acceptability criteria in TAN15 is further assessed below:

7.4.5 TAN 15 Tests

Section 6.2 of TAN 15 refers specifically to justifying the location of development and that such development should only be permitted within zone C1 if determined by the planning authority to be justified in that location and demonstrated that:

- i) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
- ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners to sustain an existing settlement or region; and,
- iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and
- iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable.

For the purposes of this report, criterion (i) to (iii) are referred to as Test 1 as this relates to the site justification and criterion (iv) which has a number of tests is referred to as Tests 2 to 12.

Test 1 – Justification

Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement

Located within the settlement boundary, Officers consider that the development is necessary as part of a local authority strategy required to sustain an existing settlement.

It concurs with the aims of PPW and meets the definition of previously developed land.

Tests 2 to 12 – Consequences of Flooding

Flood defences must be shown by the developer to be structurally adequate particularly under extreme overtopping conditions (i.e. that flood with a 1 in 1000 chance of occurring in any year).

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

The cost of future maintenance for all new/approved flood mitigation measures, including defences must be accepted by the developer and agreed with Natural Resources Wales.

No flood defence works proposed as part of the development.

The developer must ensure that future occupiers of the development are aware of the flooding risks and consequences.

It is intended to notify the developer of this by way of an informative to the planning consent and a condition requiring compliance with their initial flood evacuation strategy.

Effective flood warnings are provided at the site

NRW identify that whilst they seek to provide timely and robust warning they cannot guarantee their provision. No objection is offered by NRW on this basis though at the applicants have confirmed sign up to NRW's warning systems in any case.

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

No information has been provided to address this explicitly but flood data suggests that such routes would exist at the rear of the site but these would not be flood free. Along St Vincent Road these are likely to be at wading depth in a 1 in 200 year event. In the extreme 1 in 1000 year event more significant flood levels would be expected and would affect a significant catchment. In this case if residents/users remain on site they could not reasonably escape but would have to retreat to upper floors of buildings.

Flood emergency plans and procedures produced by the developer must be in place

NRW advise that if, as the planning authority, you are satisfied that the proposed location is the only possible location in planning terms, only then should you consider whether the above risks and consequences can be managed through measures such as emergency planning and evacuation.

An initial flood evacuation strategy has been provided.

The Initial Strategy employs logical procedures and management in the event of flood warnings but the effectiveness of these procedures, notably in the evacuation of people off site is largely reliant upon the effectiveness of NRW processes and civil contingency arrangements in the event of a flood. Such matters are outside the control of the Planning Authority.

The development is designed by the developer to allow the occupier of the facility for rapid movement of goods/possessions to areas away from floodwaters

and Development is designed to minimise structural damage during a flooding event and is flood proofed to enable it to be returned to its prime use quickly in the aftermath of the flood.

The proposed building would be flood free to a 72 lifetime of development in the 1 in 200 year tidal flood event and would flood during the extreme flood event. The Initial flood evacuation strategy shows that flooding after 72 years effects the ground floor bedrooms and these would and could be evacuated to either locations off site (if suitable warning is received) or to upper floors of the building. This will be a commercial operation and therefore the management will have control of the entire building. Goods and possessions will be limited to cases etc expected for a hotel use as opposed to those in a home.

No flooding elsewhere.

NRW do not object to the development on this basis.

Paragraph A1.14 of TAN 15 identifies that the development should be designed to be flood free for the lifetime (A1.5) of development for either a 1 in 100 chance (fluvial) flood event, or a 1 in 200 chance (tidal) flood event including an allowance for climate change (depending on the type of flood risk present) in accordance with table A1.14.

The predicted flood level for the 0.5% plus climate change flood event (2093) is 8.015m AOD. The proposed finished floor level will be lower than this (marginally) and will therefore flood in a 75 year lifetime of development. It is not therefore flood free in accordance with this requirement. The site is not at risk of fluvial flooding and therefore the 1 in 100 year flood event is not relevant.

In respect of the residual risk to the development it should be designed so that over its lifetime (A1.15) in an extreme (1 in 1000 chance) event there would be less than 1000mm of water on access roads and within properties, the velocity of any water flowing across the development would be less than 0.3m/second on access roads and 0.45m/second in properties and the maximum rate of rise of floodwater would not exceed 0.3m/hour (refer to table at paragraph 7.7.41).

The property would flood to 830mm in the 1 in 1000 year extreme event and this is below the 1000mm recommended. The velocity would be 0.57m/second and exceeds the advice.

- 7.4.6 In summary, the FCA shows that some acceptability criteria are not met in accordance with the guidance. However, this risk can be shown to be managed and limited in practice. Therefore it is acceptable.
- 7.4.7 It is considered that there are some risks of flooding and that such risk has the potential to affect ground floor accommodation in particular. However, the applicant is aware of the risk and will implement appropriate management practices to minimise the potential consequences of a flooding event. Such consequences will likely be very limited in practice as flood depths are low. Therefore whilst the proposal does not comply with national flooding guidance as being flood free for its lifetime, the risk is considered acceptable and

on balance the scheme meets the justification tests of the TAN. Removal of ground floor rooms will prejudice the site's future use as a hotel and, based upon what we currently know, will likely prejudice its re-use altogether. A pragmatic approach needs to be taken in this case and whilst planning conditions can secure additional detail, they cannot remove this risk. The primary risk is to the ground floor accommodation, the accommodation is flood free based upon a lifetime of development of up to 72 years (TAN15 requires 75), such risk is tidal and therefore foreseeable and appropriate action taken in response to warnings can significantly reduce risk to life. Furthermore, containment periods will be limited to tidal cycles and, based upon current NRW evidence, depths of flooding to St Vincent Road are less than tolerable limits and so hotel occupiers are in close proximity to areas where flood waters are at wading depth should evacuation be necessary and possible.

7.4.8 Overall, having regard to all material factors, the risk is, on balance considered to be acceptable and manageable.

7.5 Highway Safety and Parking

7.5.1 The site has no off road parking facilities. The previous use had no off road parking and servicing appears to have occurred both at the rear and front of the premises. The rear is accessed from St Vincent Road via a narrow lane which is not within the applicant's ownership but it is understood they have rights of access over it. Evidence indicates that the former nightclub use stored its barrels etc at the rear of the premises in the yard that separates the building from residences at St Vincent Road. To the front of the premises a layby exists to service local commercial properties but the remainder of the street is subject to a prohibition on waiting and unloading and no on street parking can take place in the interest of highway safety and the free flow of traffic. The Head of City Services has expressed concerns for the ability of the new units to Clarence Place to be serviced in an acceptable manner. No objections are raised in relation to the parking and servicing of the proposed hotel use. This is largely due to the consideration of the previous use and the lawful use of the premises as a nightclub. This is supported by agreed plans on a former planning application that show the extent of the public area and servery of the former use. Adopted Supplementary Planning Guidance on parking confirms the parking requirement for the club is in excess of that of the hotel and consequently whilst on street parking in the locality is in high demand the absence of any on street parking in this case must be balanced against the ability of the site to lawfully re-open as a nightclub or other use in Class D2 of the Use Classes Order, i.e. dance or sports hall, gym, casino etc. Whilst the prospect of re-use as a nightclub appears limited, particularly in its current condition, it is a possibility that means the fallback is a material consideration of limited weight in the case of a club. However, with suitable investment and the encouragement of the Council to regenerate and re-use the property, its reuse for D2 purposes can carry more than limited weight in this case and being a local centre there is policy support for new retail or other commercial uses at ground floor that would contribute to the centre's vitality and viability. As none of these uses could or would provide off site parking, it is fair and reasonable for the Head of City Services to consider the parking demand of the proposed hotel use against that which may be generated by a club or other D2 uses and commercial uses.

Parking Scenarios

Use	Operational Requirements	Non Operational Requirements
Nightclub	1 commercial vehicle space	1 space per 3 staff and 1 space per 5sqm of public area including servery 80 spaces (excludes staff spaces)
Hotel and 2 commercial units	3 Commercial vehicle spaces (1 for each of the proposed uses)	1 space per 3 staff and 1 space per bedroom for the hotel (58 spaces plus 1 for staff), 1 space per 3 staff and 1 space per 7sqm of dining area (assumes both units would be restaurants as a worst case) = 8 spaces excluding staff 67 spaces (excluding staff spaces for commercial units)

7.5.2 The 2 ground floor commercial units will be serviced off the roadside layby with waste collections from the rear whilst the hotel will be serviced at the rear. As a modern hotel with no ancillary services such as gym or restaurant for example, the servicing requirements will be minimised to cleaning and laundry related traffic. Some import of ready made food may occur subject to order by patrons of the hotel but this is likely to be limited bearing in mind the site's proximity to other food related outlets close by. As an open A class use is sought for the 2 proposed ground floor commercial units, there is a possibility that one of these will have a food or beverage offer that will appeal to future customers of the hotel in any case. The Head of City Services is particularly concerned about servicing arrangements for these 2 units as they will rely entirely on a limited waiting bay that exists to the front of the premises and this is unlikely to be suitable for accommodating HGV traffic without overhanging the highway and obstructing the bus lane. The 2 units are relatively small at 45sqm and 50sqm respectively and are unlikely to require large articulated lorry deliveries. The applicants indicate transit type vans are most likely and this seems reasonable. These could park without obstructing the highway. To restrict commercial units in this commercial premises in an established commercial/residential area and local centre would be unreasonable and whilst the concerns of the Head of City Services are noted, there is considered to be no robust planning justification for refusing this application on this basis. A Servicing Plan has been provided by the applicant at this stage but the detail is limited and in the absence of end users for the 2 units in particular cannot be relied upon. Therefore, a condition is appropriate, having regard to the known constraints to servicing, to secure a more detailed servicing strategy for the end use of the site. Notwithstanding this and having regard to the lawful use of the site, an arrangement of comparable impact to the previous use is reasonably expected and can be secured and any harm arising must be balanced against that which may occur should the building be brought back into a single or multiple D2 use(s) and the merits of this particular proposal.

7.5.3 To conclude, it is considered that Policy GP3 is satisfied in this case as whilst normal service and parking expectations are not and cannot be met, the impact of the new use does not in comparison to the lawful use give rise to a demonstrable worsening of the

situation. In fact, it appears to have potentially less impact. Furthermore, with no allocated parking for the hotel use and its proximity to sustainable transport routes, users of the hotel will likely favour non car modes of travel and the commercial units in the local centre will likely prove attractive to a walk in catchment. A multi storey car park is located directly opposite the site and provides plentiful off street parking however it is understood to be closed at night. The site is highly sustainable and accessible to the city centre and this must carry significant weight. Therefore the arrangements are appropriate having regard to all material factors.

7.6 Design and Residential Amenity

7.6.1 The front façade will see significant improvements that include:

- Making good of existing chimneys;
- New roof in materials to match existing;
- Making good of existing stone balustrade at eaves level;
- Making good of stone banding at eaves level;
- Repair and making good of existing windows;
- Cleaning and making good of existing stone crest and repointing as necessary of brick façade;
- Cleaning and making good of stone window frames as necessary;
- New shopfronts at ground floor;
- New conservation roof lights in front roof slope.

7.6.2 To the rear, the roof will have a mansard extension and a 4 storey extension is proposed. The design of this is contemporary and includes a rendered ground floor with brick finish at first and second floor and brick tiling at third floor. Windows proposed at first and second floor will protrude from the building with glazing inserted in resulting reveals in order to reduce direct overlooking to properties either side of the premises. No. 12 that adjoins the site to the west has residential accommodation at all floors but the design will restrict any window to window conflict. To the east the property is run as a hostel and windows directly face the site. These windows, according to most recent floorplans, serve communal spaces such as stairs and hallways or other non habitable rooms such as bathrooms. However, 2 rear facing windows (1 each at first and second floor) are likely protected. Therefore, whilst privacy is not a concern here, there is likely to be some impact on light to the 2 bedsits affected on the approved plans from 2004. Previous layouts of the property show these windows serving bedrooms and therefore whether or not the plans of 2004 have been fully implemented, some impact will arise. These windows experience poor outlook in any event as look directly at the wall on the opposite side of the light well which is only some 3.5m away. Furthermore, these units of accommodation are not intended to be permanent residences. This is hostel accommodation and whilst some loss of light will be likely during the second half of the day, this will predominantly affect one window at first floor that serves bedroom or bedsit which is already compromised by the layout of the building in which it is located. To the rear, the site is bound by properties at St Vincent Road. These properties have habitable room windows facing the site with their rear garden walls abutting the yard of the site. Whilst the rear elevation of the extension does not include windows, it does include fire escape doors and an external fire escape stairwell is proposed. This will need to be conditioned for emergency use only. The design is considered acceptable but its impact upon neighbouring sensitive uses must also be considered.

7.6.3 Whilst properties to the east and west will, by reason of the proposal's massing, experience some loss of amenity this is a densely developed urban environment and mutual overlooking, for example, already occurs. It is reasonable to suggest that some loss of light may be experienced by some windows but in the case of the hostel, evidence available

suggests that this will be most noticeable in non habitable areas. In the case of no. 12, SPG tests have been undertaken and one passes so effect can reasonably be considered to be limited. This impact is assisted by the proposal to set in the extension by some 2 metres and consequently the nearest habitable room opening to the site serving no. 12 is approximately 6m away as an intervening doorway serves a landing or non habitable space at first floor and bathroom windows are closest to the site at second floor. Light splays from the middle of the main protected opening at first floor will fail the horizontal test and pass the vertical test, mainly by reason of its distance from the extension. Therefore adverse impact is limited and the extension accords with SPG tests in this regard and in relation to the 2 flats at no. 12.

7.6.4 The most significant impact is considered to be upon the outlook of the St Vincent Road residences closest to the site. The design of the extension has had regard to this impact by stepping the proposal back at second and third floors. The stepped design certainly reduces overbearing effect and as these property's rear elevation are north facing, the proposals are unlikely to have a noticeable impact upon daylight or sunlight. Their rear outriggers contain rear facing ground and first floor windows. At ground floor these are most likely galley type kitchens and additional openings appear to exist in the side of these which would not be affected by the proposals. Nonetheless, there will be a close relationship between the 2 storey element of the rear extension and 3 properties in particular at St Vincent Road. At first floor, this impact is likely to be upon bedrooms but other windows also exist in the side of the rear extensions and may also serve these rooms. The standard ground floor layout of these properties indicates that rear kitchens occupy the space at ground floor and have the potential to be protected spaces for the purposes of SPG. These spaces are served by other side facing windows therefore affording some mitigation of impact. Furthermore the rear boundary walls have been increased in height in some cases, possibly to secure properties against activities in the rear yard and in some cases these appear to be approximately 3m high. The rear most part of the St Vincent Road properties is some 6m from the intervening boundary with the rear yard approximately 2.5m wide. This means the proposed extension will be approximately 8.5m from the rear 2 storey extensions of the St Vincent Road houses that include habitable windows facing the site (the applicant's section suggests it to be more like 9.6m distance). This is comparable to the relationship of the existing building to these properties but the existing rear extension is single storey. The proposed 2 storey element of the extension will be some 7.3m high compared to 2.5m of the existing. Clearly, this will have an impact upon these residences and this impact must be weighed in the balance of decision making. Whilst the applicants have suggested planting that may soften the rear wall here, this cannot be relied upon having regard to the limited extent of the rear yard. Improvements have been achieved but further reductions are likely to impact upon room numbers in a way that potentially makes the scheme unviable and unattractive to operators. No objections have been received from these residents and certainly there is evidence that these properties are in close proximity to ongoing anti social behaviour issues in the yard that separates the existing building and their rear boundary walls and they are likely therefore to welcome the re-use of the property in principle. Conditions are recommended to ensure no overlooking in the proposed rear elevation and controls over the usage of the rear escape staircase.

7.6.5 No. 36 St Vincent Road also abuts the single lane and whilst this does not form part of the application site, the applicant has confirmed rights of access over it. This lane will be used to service the rear of the hotel and waste collection for all uses. Details including in the information provided to date are as follows:

Based on experience of working on similar budget hotels, the service activity to the proposed hotel is therefore expected to be as follows:

- Up to 1 combined linen delivery/collection per day to be made by a Ford Transit size van;
- 1 - 2 refuse collections a week to be made by a private contractor; and
- 1 x dry food deliveries per week; and
- 1 x drinks delivery per week.

Based on the above delivery schedule, the maximum number of daily servicing trips to the site is at most predicted to be four visits. It should be noted that this would be expected to occur on one day a week only and on most days the number of deliveries will be less than this.

Assuming that the small commercial units at ground level are occupied by A3 uses, it is expected that on an average day, each unit will generate 1-2 deliveries per day.

Therefore, the overall scheme could generate circa 6-8 servicing deliveries per day, majority of which will be carried out by Ford Transit size vans with infrequent deliveries by larger delivery vehicles (i.e. 8m rigid lorry). It should be noted that the existing site use if operational would generate daily deliveries which should be offset against the trips associated with the proposed development.

It is expected that occupiers of the proposed units will manage their deliveries to take place outside of typical peak traffic hours further reducing the impact of the additional the servicing/delivery movements on the local highways network.

It is difficult to establish the frequency of deliveries that took place with the previous club use but it is clear that any future use will use this rear area for the storage of waste for example and therefore use of this lane to undertake some servicing is inevitable. It is considered that use of the rear yard will be comparable to the previous club use and likely less intrusive as the noise of barrels being moved and stored would likely be more obvious than movement of bins for example. The nature of the proposed hotel will limit deliveries and waste production thereby limiting associated traffic. However, further information is essential on this matter having regard to site and servicing constraints. In the absence of named end users this cannot be confirmed at this time but in terms of the impact upon neighbouring residents the use of these areas in conjunction with the proposed use is unlikely to give rise to adverse effects over and above those that may have been experienced previously or may be associated with the lawful re-use of the site.

7.6.6 Overall, the scale of the rear extension will impact upon the amenities of nearest neighbours at St Vincent Road, most notably by way of overbearing effect and due to its close proximity to the intervening boundary and height. Windows will overlook some properties on St Vincent Road but these areas are already overlooked by high level windows in existing premises at Clarence Place. One of the properties appears to have developed out to its rear boundary at ground floor. Whilst the rear of St Vincent Road properties view the much higher rear facades of properties along Clarence Place, these are situated further away. The stepped design has reduced the impact of this 4 storey extension as much as the scheme will allow but this does not remove the impact and this will need to be considered alongside the merits of the scheme and the prospect of securing a re-use for the property going forward.

7.6.7 In relation to noise, the Head of Public Protection has raised no objection subject to specified conditions being imposed. These are agreed and recommended.

7.7 Other Matters

7.7.1 A number of objections have been received in relation to parking and this matter has been assessed above. Other concerns relate to protections during construction and demolition works. Additional information will be required in this respect having regard to site constraints. Demolition works will likely occur as an early phase and access can be gained to the rear extension but this is restricted by reason of the lane width. Methods of demolition will therefore likely be restricted but not impossible. Contractor access and parking will also be constrained and details of this will be required in advance. It is likely that some disruption will be experienced by local residents during the demolition and construction processes but this disruption will be of limited duration and hours and methods can be suitably controlled by planning condition and other regulatory functions.

- 7.7.2 One neighbour has raised the issue of the developer running out of money. The project is likely to include financial risk and there is always a possibility that works to listed buildings will commence but not complete for financial or other reasons. In this case, the demolition of the rear extension is acceptable so if this occurred but nothing else, it would be unlikely to prejudice the building to a significant degree and both planning and building control have powers to secure the boarding up of the site for amenity sake. In the event the developer proceeds to undertake works in breach of the permission and removes additional elements of the building, the Authority has powers of enforcement that it can exercise to remedy harm to the listed building however it cannot enforce the completion of the development.
- 7.7.3 The Scientific Officer has raised no air quality concerns. Welsh Water has confirmed that foul drainage can drain to the local sewer but surface water details will need to be provided. As the entire site is already hard surfaced or built upon, opportunities for sustainable urban drainage systems appear limited but surface water from the site is unlikely to be significantly different to the current situation in any case. Nevertheless, as the applicants have proposed to put surface water to the sewer and Welsh Water has indicated that it would prefer this did not happen, a condition is necessary to secure additional detail in this respect once the applicant and Welsh Water have had opportunity to negotiate this matter further.
- 7.7.4 In relation to ecology, no response has been received. A bat report has been provided in support of the application and this indicates no evidence of bats in the building although the building has features suitable for supporting bats. It therefore recommends that the timing of demolition be during winter months but advises an NRW license will not be required for the proposed works. The survey did identify birds in the building and has advised that works be undertaken outside bird breeding season. In the absence of a response from the Ecology Officer, this matter is considered acceptable and the recommendations of the Survey Report are agreed.
- 7.7.5 In relation to the vitality of the local centre, the proposal has clear and significant benefits. However, the applicant has requested an open A class use for the ground floor commercial units. This could include shops, financial and professional services, publicly accessible offices, coffee shop, café, restaurants and takeaways for example. Within a local centre all such uses are acceptable in principle however, having regard to the high quality of development sought in this case night time takeaway uses are not supported as would provide dead frontages during the daytime that would do little to enhance the building and the listed group or the vitality and viability of the local centre. Such uses are not supported in this case and will be restricted by way of planning condition.
- 7.7.6 The proposals have been subject to compulsory pre application consultation. Five responses are noted as being received from the local community and matters raised appear to all have been assessed in the above report.

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 proposals offer substantial heritage, urban regeneration, visual amenity, tourism, economic and vitality benefits. The site is highly sustainable. Adverse effects have been identified in relation to residential amenity, particularly in relation to a small number of dwellings at St Vincent Road and associated with overbearing effect. Some effects associated with the rear extension massing will also be felt by the site's other nearest neighbours but to a lesser degree. Also, the site is not flood free in a 1 in 200 year tidal flood event over the 75 year lifetime of highly vulnerable development advised in TAN15 and consequently fails to comply with technical guidance in this respect. These matters have been weighed in a balanced consideration process and the substantial weight afforded to the merits of the proposal do, in this case, outweigh the harm identified. It is therefore recommended that permission be granted subject to conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents 0483.3.D.0.200.rev04, 0483.3.D.0.202.rev04, 0483.3.D.0.100.rev04, 0483.3.D.0.101.rev04, 0483.3.D.0.203.rev04, 0483.3.F.0.001.rev00, 0483.3.D.0.201.rev03, 0483.3.D.0.300.rev03, 0483.3.D.0.301.rev01, 0483.3.D.0.302.rev00, 0483.3.D.0.400.rev00, Bat Survey Report by EDP, Heritage Impact Statement by EDP, Noise Assessment and supporting information dated 08th March 2019 from ION Acoustics, Flood Consequences Assessment by Turley, Planning Statement by Turley, Transport Statement by TPP, Outline Servicing Arrangements Summary, Initial Flood Evacuation Strategy, Design and Access Statement by Base Associates.
Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based

Pre- commencement conditions

- 02 Prior to the commencement of development, to include demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust* and waste disposal resulting from the site preparation, groundwork, demolition and construction phases of the development and manage Heavy Goods Vehicle (HGV) and construction/demolition vehicle access to the site. It shall also include comprehensive details of contractor parking provisions and the location of contractor welfare facilities. The approved Construction Environmental Management Plan shall be adhered to at all times.

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

Reason: In the interest of residential amenity and in accordance with policy GP2 of the Adopted Local Development Plan.

- 03 No development, to include demolition, shall commence until a Construction / Demolition Management Plan has been submitted to and approved in writing by the Local Planning Authority. These details shall include a full method statement for demolition works including the timing of such works having regard to the approved Bat Survey Report by EDP. Works shall be implemented in accordance with the approved Construction / Demolition Management Plan.

Reason: To protect the amenities of nearby residents and in accordance with policy GP2 of the Adopted Local Development Plan.

- 04 No development, including demolition, shall be undertaken until the submission and written approval by the Local Planning Authority of a Delivery Management Plan. This shall provide details of delivery and pick up procedures and measures to restrict the size of vehicles to no larger than a 7.5 tonne box van or equivalent. All uses within the development hereby approved shall be operated at all times in full compliance with the measures stated in the agreed Delivery Management Plan.

Reason: In the interest of pedestrian and highway safety in accordance with Policy GP4 of the NLDP.

- 05 Prior to the commencement of development hereby approved, a comprehensive Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel plan shall clearly identify how sustainable travel modes will be marketed and encouraged to customers, any services provided to facilitate access from nearby bus and train hubs, how a reduction in traffic and parking demand will be achieved, managed, sustained and encouraged with associated targets/objectives, confirmation of the appointment of a Travel Plan co-ordinator and the details of this contact, set out a system of on-going monitoring of the use of sustainable travel modes by customers and staff, and mechanisms to address any impacts arising from excess parking demands. The Plan shall include details of regular reporting to the Local Planning Authority of the success or otherwise of all methods adopted to reduce access to the site by private vehicle and use of on site parking facilities, and any changes necessary to achieve travel planning objectives. The travel plan shall be implemented and maintained thereafter in accordance with the approved details.

Reason: In the interests of reducing the need to travel by car and encouraging use of alternative modes of transport in accordance with Policies SP1 and GP4 of the NLDP.

Pre – construction conditions

- 06 Prior to the commencement of construction, comprehensive cross sections through the site from front to back and side to side including finished ground floor levels as proposed shall be submitted to and approved in writing by the Local Planning Authority. The proposed finished floor levels shall accord with the approved Flood Consequences Assessment and shall clearly show the relationship of proposed levels to neighbouring ground. The development shall be completed in accordance with the approved details.

Reason: In the interest of residential amenity and the safety of future users of the premises and in accordance with policies GP2 and SP3 of the Adopted Local Development Plan.

07 Prior to the commencement of construction on site a comprehensive integrated surface water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first beneficial use of any part of the development and retained thereafter.
Reason: To ensure the site is adequately drained in the interest of residential amenity and to limit future flood risk and in accordance with policies SP1 and SP3 of the Adopted Local Development Plan.

08 The development hereby approved shall be completed in accordance with full details/samples of materials and finishes to be used on the external surfaces which shall have first been submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction.

Reason: To preserve the special character of the listed building and its setting and in accordance with policies SP9 and GP6 of the Adopted Local Development Plan.

Pre –use conditions

09 The Sound Insulation Scheme provided in 6.3 of Ion Acoustics Noise Assessment Issue A1366 R01A 15th October 2018 (and supporting information dated 08th March 2019) is to be fully complied with prior to first beneficial use of either of the 2 ground floor commercial units or otherwise alternative mitigation measures submitted and approved in writing by the Planning Authority prior to the first beneficial use of these units. Compliance with the Sound Insulation Scheme is to be certified in writing to the planning authority by an appropriately qualified acoustic consultant before the use of each ground floor commercial unit commences.

Reason: In the interests of residential amenity and in accordance with policy GP2 of the Adopted Local Development Plan.

10 Prior to first beneficial use of any part of the development hereby approved a comprehensive servicing strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall include the operational hours and location/layout for the loading / unloading of service and waste collection vehicles; and the location and details of waste storage facilities to serve the development. The rear service yard shall be kept free of obstructions other than those agreed as part of the servicing strategy and shall not be accessible to or used by patrons of the agreed uses unless in an emergency. The service area shall be provided and available for use prior to first beneficial use of any part of the development and the development shall operate in accordance with the agreed strategy thereafter.

Reason: In the interests of highway safety and residential amenity and in accordance with policies GP2 an GP4 of the Adopted Local Development Plan.

11 Prior to first beneficial use of the hotel hereby approved all works to the building's front façade shall have been completed in accordance with details agreed pursuant to this permission.

Reason: In the interest of preserving the building's special character, the vitality of the local centre and the setting of nearby listed buildings and in accordance with policies SP9, SP18, GP6 of the Adopted Local Development Plan.

12 Prior to the first beneficial use of the hotel hereby approved, a scheme for informing future users of the building's cultural and musical history shall be implemented and retained in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of maintaining long term on site reference to the building's enviable reputation as a live music entertainment venue and in accordance with policies SP18 and SP9 of the Adopted Local Development Plan.

13 Prior to first beneficial use of any part of the development, the cycle stands shown on approved plans shall be provided for use by staff. Provision for safe cycle storage shall be retained thereafter.

Reason: To encourage the use of sustainable forms of transport and in accordance with policy SP1 of the Adopted Local Development Plan.

- 14 The flood resilience measures set out at page 32 of the RSK Flood Consequences Assessment (December 2018) shall be implemented in full prior to first beneficial use of the hotel hereby approved and shall be retained thereafter.

Reason: To mitigate risk to property and life in accordance with Technical Advice Note 15 and policy SP3 of the Adopted Local Development Plan.

General conditions

- 15 Full details of all external plant and equipment shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The Plant Noise Limits provided in 6.2 of Ion Acoustics Noise Assessment Issue A1366 R01A 15th October 2018 (and supporting information dated 08th March 2019) shall be complied with or otherwise alternative mitigation measures submitted and approved in writing by the Planning Authority prior to the installation of any plant and equipment. Compliance with the limits shall be certified in writing to the planning authority by an appropriately qualified acoustic consultant before the first use of any approved plant and equipment.

Reason: In the interests of residential and visual amenity and to preserve the special character of the listed buildings and in accordance with policies SP9 and GP2 of the Adopted Local Development Plan.

- 16 If at any time the use of the hotel or ground floor commercial use(s) involve the preparation and cooking of hot food, the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed in writing by the Local Planning Authority, and the extraction system shall be provided with de-greasing and de-odorising filters. Details of the above equipment (including scaled schematics, location plans, odour and noise attenuation measures and future maintenance) shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and the equipment shall be installed in accordance with the approved details prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of residential and visual amenity and to preserve the special character of the listed buildings and in accordance with policies SP9 and GP2 of the Adopted Local Development Plan.

- 17 The two ground floor commercial units hereby approved shall not be open outside the following hours: 0800 to 2300 hours Monday to Saturday and 1000 to 2000 hours on Sundays and Bank Holidays. Outside of these times the units shall be closed to the public.

Reason: In the interest of residential amenity and in accordance with policy GP2 of the Adopted Local Development Plan.

- 18 The site shall be used as a hotel and the 2 ground floor commercial units shall be used as shops, financial and professional services, cafes, sandwich bars, restaurants or coffee shops (i.e. for the sale of food and drink for consumption on the premises), public houses and wine bars in accordance with the plans hereby agreed and for no other purpose (including any other purpose in class C1 and A3 including any use as a hot food takeaway for the consumption of hot food off the premises of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason: In the interests of preserving the vitality and viability of the local centre, the urban regeneration of the site and its environs and the setting of the listed buildings in accordance with policies R8, SP18 and SP9 of the Adopted Local Development Plan.

- 19 The rear external staircase shall be used for emergency building access or egress only and shall not at any time be used for any other purpose.

Reason: To protect the amenities of nearby residents and in accordance with policy GP2 of the Adopted Local Development Plan.

- 20 No additional openings (other than those shown on the approved plan) shall be formed in any elevation.
Reason: To protect the privacy of adjoining residents and in accordance with policy GP2 of the Adopted Local Development Plan.
- 21 All doors located within the rear elevation of the extension hereby approved shall be solid doors with no clear glazing and shall be for the purpose of emergency use only.

Reason: To protect the privacy of adjoining residents and in accordance with policy GP2 of the Adopted Local Development Plan.
- 22 The hotel shall be operated in accordance with the Initial Flood Evacuation Strategy.
Reason: In the interest of the safety of future users of the hotel and in accordance with policies SP3 of the Adopted Local Development Plan.

NOTE TO APPLICANT

01 This decision relates to plan Nos: 0483.3.F.0.100.rev00, 0483.3.F.0.101.rev00, 0483.3.F.0.200.rev00, 0483.3.F.0.201.rev00, 0483.3.F.0.300.rev00, 0483.3.F.0.300.rev00, 0483.3.D.0.200.rev04, 0483.3.D.0.202.rev04, 0483.3.D.0.100.rev04, 0483.3.D.0.101.rev04, 0483.3.D.0.203.rev04, 0483.3.F.0.001.rev00, 0483.3.D.0.201.rev03, 0483.3.D.0.300.rev03, 0483.3.D.0.301.rev01, 0483.3.D.0.302.rev00, 0483.3.D.0.400.rev00, Bat Survey Report by EDP, Heritage Impact Statement by EDP, Noise Assessment and supporting information dated 08th March 2019 from ION Acoustics, Flood Consequences Assessment by Turley, Planning Statement by Turley, Transport Statement by TPP, Outline Servicing Arrangements Summary, Initial Flood Evacuation Strategy, Design and Access Statement by Base Associates

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP9, SP18, SP19, T4, R8, GP1, GP2, GP4, GP5, GP6, GP7 and CE1 were relevant to the determination of this application.

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

It is recommended that the future management of the site sign up to NRW's flood warning system and associated notifications.

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

APPLICATION DETAILS

No: 18/1240 Ward: **VICTORIA**

Type: Discharge Conditions

Expiry Date: July 2019 (updated)

Applicant: **45 CROYDON WAY LTD**

Site: **Land and buildings encompassing 14 to 18 Clarence Place**

Proposal: **PART DEMOLITION, RESTORATION, REDEVELOPMENT AND EXTENSION OF EXISTING LISTED BUILDING TO FACILITATE CHANGE OF USE TO FIFTY EIGHT BED HOTEL, 2NO.GROUND FLOOR COMMERCIAL UNITS AND ASSOCIATED DEVELOPMENT**

1. LATE REPRESENTATIONS

1.1.1 Comments have been received from the Conservation Officer as follows:

As you know, I have been involved in discussions with the applicant regarding this scheme since its submission which have resulted in a number of amendments to the proposals put forward. Having read the Officer Report, I am happy to confirm that I concur with its content and am happy to support the positive determination of this application. Whilst I will provide more detailed comments on the Listed Building Consent application which has also been submitted, there follows a brief analysis of the impact on the special character of the listed building.

The building is listed at grade II as part of a group of early 20th century commercial buildings. Further detail of the listing, analysis of the special character of the listed building and the impact of the proposals upon it has been provided within a comprehensive and professionally produced Heritage Impact Statement. I am happy to concur with the content of this statement which has been particularly useful in the assessment of the application.

Whilst the building was listed in fair condition, it has deteriorated considerably in recent years due to vacancy, fire, vandalism and lead theft from the roof. As such it must now be considered to be gravely at risk, and it is accepted that bold proposals are required to bring the building back into use.

The principal interest lies in the front elevation, which would be appropriately restored as part of the proposals, replacing modern shopfronts with a design based on historic precedent. This is to be welcomed. Whilst rooflights are to be introduced, these would have limited visibility from the street due to the historic parapet arrangement.

The rear elevation would be mostly lost behind a new extension, but this is informally designed and already much altered to include wide patio door to a roof terrace and extensions at ground floor level. It is understood that the large extension proposed is necessary to ensure the viability of the scheme and I consider its revised design to relate as well as possible to the historic building and its neighbours. The remaining parts of the rear elevation would be appropriately restored. As such, I consider these proposals to be justified.

Internally, the upper floors of the building are not without interest, and despite its poor condition, some historic decorative elements such as fireplaces and plasterwork remain. There is potential to retain much of this detail, for which further detail can be conditioned as part of the LBC application. Whilst significant alterations are proposed in order to facilitate the scheme, the floor plan is already altered and it is proposed to retain as much historic fabric as possible. The ground floor is so heavily altered as a result of late 20th century alterations that I do not consider that the proposals here will have a significant impact.

In summary, I consider that these proposals represent an appropriate response to the existing situation which will hopefully save the building from future dereliction. As such, I am happy to support the application.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

2.1 The Conservation Officer concurs with the report content and therefore no further comments are required.

3. OFFICER RECOMMENDATION

3.1 GRANTED WITH CONDITIONS WITH DELEGATED AUTHORITY TO HEAD OF REGENERATION INVESTMENT AND HOUSING TO ISSUE A DECISION AFTER 18TH JUNE IF NO OBJECTIONS RECEIVED FROM CAD

APPLICATION DETAILS

No: 18/1248 **Ward:** *PILGWENLLY*

Type: FULL (MAJOR)

Expiry Date: 19-JUN-2019

Applicant: *MARK TROUNCE, POBL GROUP*

Site: *KIRBY DANIEL COURT, CHARLOTTE GREEN, NEWPORT, NP20 2ER*

Proposal: *DEMOLITION OF EXISTING BUILDING AND REDEVELOPMENT FOR 16NO. DWELLINGS TOGETHER WITH CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS*

Recommendation: **GRANTED WITH CONDITIONS SUBJECT TO A SECTION 106 LEGAL AGREEMENT WITH DELEGATED POWERS TO REFUSE PERMISSION SHOULD THE AGREEMENT NOT BE SIGNED WITHIN 3 MONTHS OF A RESOLUTION TO GRANT PERMISSION.**

1. INTRODUCTION

1.1 This application seeks full planning permission for the demolition of an existing sheltered housing complex for over 55's known as Kirby Daniel Court which is in the Pillgwenlly ward. Following a review of all over 55's accommodation in Pillgwenlly it was determined that Kirby Daniel Court is no longer providing suitable modern accommodation and as such it is proposed to demolish the buildings and construct 16 no. houses to address the need for family accommodation in the area. The houses would be affordable and would be managed by a housing association.

2. RELEVANT SITE HISTORY

03/0829	CHANGE OF USE FROM BED-SIT TO A COMMUNITY/OFFICE BASE FOR TENANTS AND SHELTERED HOUSING SCHEME MANAGER	Granted with conditions
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3. POLICY CONTEXT**3.1 *Newport Local Development Plan 2011-2026 (adopted January 2015)***

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

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

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

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

Policy **GP4 General Development Principles – Highways and Accessibility** states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be

detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.

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

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

Policy **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 **H2 Housing Standards** promotes high quality design taking into consideration the whole life of the dwelling.

Policy **H3 Housing Density** seeks a density of at least 30 dwellings per hectare on sites of 10 dwellings or more.

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

Policy **H9 Housing Estate Regeneration** favours the regeneration or improvement of housing areas.

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

Policy **W3 Provision for Waste Management Facilities in Development** states that where appropriate, facilities for waste management will be sought on all new development.

4. CONSULTATIONS

- 4.1 WALES AND WEST UTILITIES: Advise of apparatus in the surrounding area.
- 4.2 WESTERN POWER DISTRIBUTION: Advise of apparatus in the surrounding area.
- 4.3 SOUTH WALES FIRE AND RESCUE: The developer should consider the need for the provision of adequate water supplies for firefighting purposes and. access for emergency firefighting appliances.
- 4.4 HEDDLU – GWENT POLICE (ARCHITECTURAL LIAISON): No response.
- 4.5 NEWPORT ACCESS GROUP: No response.
- 4.6 DWR CYMRU – WELSH WATER: The proposed development site is crossed by a number of public foul sewers. From reviewing the submitted Drainage Layout we note the developer has acknowledged the existence of these sewers and proposed a number of diversions to these assets. We can advise that the principle of these diversions will be need to be assessed through a formal application to us that the developer will need to submit under Section 185 of the Water Industry Act.
 - 4.6.1 Having also reviewed the submitted Drainage Strategy Report (Bradley Associates), we acknowledge that infiltration tests have confirmed soakaways will not be an achievable method of sustainable surface water disposal and that the site already has an existing surface water connection. As there is no other sustainable alternative, we acknowledge the developer therefore proposes to connect surface water to the public combined sewer (via an existing private surface water sewer) and proposes a reduced rate of 6.6 litres per second (l/s) from an existing rate of 13.5l/s equalling a 51% betterment in surface water flows.

- 4.6.2 We confirm that this is acceptable in principle. We request that a condition is imposed requiring the development to take place in accordance with the submitted drainage strategy.
- 4.7 REGIONAL AMBULANCE OFFICER: No response.
- 4.8 NATURAL RESOURCES WALES: No objection.
We have reviewed the document titled '*KIRBY DANIEL COURT, CHARLOTTE DRIVE, NEWPORT - BAT SURVEY ISSUE 1, VERSION A SEPTEMBER 2018*' by BE Ecology. We note that the surveys assessed the building to be demolished to be a maternity roost for common pipistrelle bats, and a day roost for soprano pipistrelles. Hibernation use of the building could not be ruled out, although not evidenced.
- 4.8.1 We do 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 their natural range, provided that suitable mitigation is implemented. We recommend a permanent solution, e.g. the kind proposed in option 3 of the report is implemented. Option 4 (hibernation facility built into a brick wall) could also be a beneficial feature, provided that the bat access points are sufficiently protected from human interference and disturbance.
- 4.8.2 Land contamination: The Geotechnical and Geo-Environmental Report has been reviewed and we note that the risk to controlled waters was assessed to be low and we agree with this conclusion.
- 5. INTERNAL COUNCIL ADVICE**
- 5.1 HEAD OF CITY SERVICES (WASTE): Standard kerbside collections would be required, this is acceptable providing the street is adopted, otherwise they would have to present their bins in Charlotte Green for collection.
- 5.2 HEAD OF LAW AND REGULATION (ENV. HEALTH): No objection subject to a condition requiring the submission of a construction environmental management plan. Advises the applicant to take reasonable steps to introduce measures to reduce the impact from the existing play area and nearby primary school.
- 5.3 REGENERATION MANAGER: No response.
- 5.4 PLANNING CONTRIBUTIONS MANAGER: Council policy stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations.
- 5.4.1 Should the developer decide to sell or rent the properties on the open market there would be a requirement for 30% affordable housing provision on-site.
- 5.4.2 Whilst it is recognised that no education or leisure contributions are requested for affordable housing, it is necessary to build-in safeguards to ensure that if any of the dwellings are sold or rented on the open market. Education and leisure formulas set out in the Planning Obligations SPG will be applied.
- 5.5 HEAD OF CITY SERVICES (LANDSCAPING): The submitted planting plan is accepted. Given the number of dwellings, a landscape management and maintenance plan is required. This could be conditioned.
- 5.6 HEAD OF REGENERATION, INVESTMENT AND HOUSING (AFFORDABLE HOUSING): Fully support the proposal and it would address the needs for family accommodation in the area.
- 5.7 HEAD OF CITY SERVICES (HIGHWAYS): Comments to be reported at planning committee.
- 5.8 HEAD OF CITY SERVICES (ECOLOGY): The bat survey report (BE Ecological Ltd, dated September 2018) has identified two species of bats roosting in the building proposed for demolition; a maximum of two soprano pipistrelle and nine common pipistrelle were recorded during the survey. The common pipistrelle roost has been identified as a maternity roost and therefore NRW (Ecology) must be consulted on the application. Under guidance issued by

NRW, the LPA cannot assess the impact on Favourable Conservation Status in cases where a maternity roost is impacted.

5.8.1 I am confident that suitable bat mitigation can be delivered within the scheme. The details of the mitigation bat roost to ensure it is suitable for the type of roost that will be lost can be agreed upon but would like it to be shown on the final plans specified on the approval notice, to ensure it is enforceable and to avoid pre-commencement conditions.

5.9 HEAD OF CITY SERVICES (TREES): No objection.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (117 properties), a site notice displayed and a press notice published in South Wales Argus. No responses.

7. ASSESSMENT

7.1 It is proposed to demolish a housing complex which provides 33 flats for the over 55's. The buildings have a square formation around a central courtyard. The site is surrounded by existing houses and flats which are arranged around interlinking footpaths and parking courts. To the south is Pillgwenlly primary school which has a playground in close proximity to the southern boundary of the application site. There are footpaths on the north, south and western boundary of the application site.

The proposals

7.2 Following demolition it is proposed to construct 16 no. 2 storey, 3 bedroom houses, arranged as 8 pairs of semi detached properties. It is proposed to construct a new access and road off Charlotte Drive and the proposed houses would be accessed off this new road. The road would terminate within the site with a turning area. A footpath would be created which would take pedestrians onto the existing network of footpaths to the west of the site. All of the houses would have a frontage onto the new road except plots 1 and 16 which would face towards Charlotte Drive. The rear gardens of the houses would back onto Charlotte Green to the north and onto an area of open space and the school playground to the south. The rear gardens would be enclosed with 2.325m high close boarded fences with trellis on the top section. Plots which would have corner gardens would have 1.750m high facing brick boundary walls and each garden would be separated from the neighbouring plot with 1.2m close boarded fence and 1.8m high privacy screens between the houses and their rear patio.

7.2.1 Each house would have a small front garden with some soft landscaping and two off-street parking spaces. There would be planting along the side boundaries of plots 8 and 9 which mark the pedestrian entrance to the development. Trees would be planted on either side of the proposed footpath into the site. There would be further planting along the side boundaries to plots 1 and 16 which mark the vehicular entrance to the site. The houses would be finished with facing brickwork, grey roof tiles, dark grey uPVC windows and doors, dark grey fascias and black rainwater goods. Each house would have a timber post and fibreglass composite canopy over the front door.

7.2.2 It is proposed to remove a footpath to the south of the site which runs from residential properties on Capel Crescent alongside the open space, the rear of the playground and connects with Charlotte Drive. It is also proposed to extend the school playground boundary so that it runs alongside the rear gardens of plots 13, 14, 15 and 16. It is also proposed to close off an existing footpath to the north of the site which currently runs to the side of 341 Charlotte Green. Rear gardens would be extended across this footpath and its closure would avoid potential anti-social behaviour due to a lack of natural surveillance from neighbouring properties.

Principle of development

7.3 The site is previously developed land within the defined settlement boundary and is currently in residential use. Its redevelopment, which would be considered as an urban regeneration proposal, is therefore considered to be acceptable in principle and would be consistent with policy SP18 of the Newport Local Development Plan and its general brownfield strategy.

- 7.3.1 The proposed demolition of 33 flats and replacement with 16 no. 3 bedroom houses would mean that housing density would be reduced across the site. However, the proposal would still achieve around 62 dwellings per hectare which is in accordance with policy H3, which seeks to achieve a minimum of 30 dwellings per hectare.
- 7.3.2. It is recognised that there would be a net loss of affordable housing across the site. However, as noted by the Councils Housing Manager the current accommodation is no longer fit for purpose and instead the proposal would provide much needed family accommodation in the Pillgwenlly ward. Over 55's accommodation would be retained in two other locations within the ward which is considered sufficient to meet demands.

Existing and future residential amenity

- 7.4 Two house-types are proposed with internal floor areas of 79sq.m and 83sq.m, all dwellings would have 3 bedrooms. The Council's Supplementary Planning Guidance: New Dwellings does not set internal space standards for dwellings but it is noted that 3-bed flats are required to have a gross internal floor space of 80 sq.m, which is considered to be a useful benchmark. Whilst some of the units would have 1sq.m. less than this, it is unlikely that this would be unduly harmful, especially since all habitable rooms would have a reasonable amount of light, outlook and privacy, supported by a good amount of outdoor amenity space. It is also considered that the proposed living arrangement, with off-street parking, is likely to offer an improved level of amenity than the current units at Kirby Daniel Court.
- 7.4.1 The eastern part of the site faces the road of Charlotte Drive and whilst there are dwellings on the opposite side of the road, it is not considered that the development would give rise to a loss in their residential amenity, given the separation distances and the existing use of the site.
- 7.4.2 The southern part of the site faces Pillgwenlly Primary School and it is not considered that the proposed development would have a significant adverse effect on the school or the amenities of future occupiers.
- 7.4.3 The western part of the site faces open spaces and other residential properties. It is considered that reasonable separation distances would be provided to avoid unreasonable dominance of loss of light and whilst there is potential for overlooking from the upper floors of the nearest dwellings into the grounds of other properties, this would not be worse than the current situation set by the existing dwellings at Kirby Daniel Court.
- 7.4.4 The northern part of the site faces Charlotte Green and it is considered that the dwellings on this neighbouring street would be of sufficient distance from the development site to avoid any unreasonable loss of amenity.
- 7.4.5 The Head of Law and Regulation (Environmental Health) has no objection to the proposed development subject to a condition requiring the submission of a construction environmental management plan. This condition is duly imposed.
- 7.4.6 The Head of Law and Regulation (Contamination) has no objection to the proposed development subject to conditions requiring the investigation and remediation of any unforeseen contamination encountered during construction and the chemical testing of any imported material used in the clean fill or capping layer. These conditions are duly imposed. It is also advised that electric vehicle charging points should be fitted to at least some of the properties. A condition to secure this is also recommended.
- #### **Design and visual amenity**
- 7.5 It is not considered that the existing buildings forming Kirby Daniel Court have any significant design merit and in visual terms, they do not have sufficient quality to warrant their retention. Buildings in this part of Newport are generally two storeys in scale but there is significant variation in terms of the design and appearance. The proposed dwellings would have a compatible scale and would be based on simple rectangular blocks with a linear configuration. It is considered that their design and appearance would be an improvement to the current units at Kirby Daniel Court and key dwellings would have dual-frontages to respect its relationship with other streets/public spaces.

- 7.5.1 There would be a variety of boundary treatments within the proposed development. It is recognised that good boundary treatments are a significant factor in creating a sense of place and an environment which improves visual and residential amenity. Corner plots (1, 8, 9 and 16) would have tall brick walls which either turn the corner and/or face towards public spaces. In order to avoid a bland address to those public spaces it is proposed to construct the walls using two different brick types creating a banding pattern which matches the proposed houses. It is also proposed to have planting in front of these walls to soften their appearance. This is considered to be an acceptable visual treatment of those corner units. Elsewhere timber boarded fences, some with trellis on the upper section are proposed along the rear boundaries. Similar boundary treatments exist in the surrounding area and they are not considered to be visually harmful.
- 7.5.2 It is proposed to remove a path which runs along the southern boundary of the site, adjacent to Pill primary school. The removal of this footpath has the potential to create an alley way between the rear of the school and the proposed development. Alley's can create opportunities for anti social behaviour and as such the applicant proposes to extend the rear boundary of the school to meet with part of the southern boundary of the application site. This boundary would be secured with railings which would abut the close boarded fences (with trellis above).
- 7.5.3 The closing of the perimeter footpaths is considered to be acceptable. The proposal seeks to move away from perimeter footpath links which don't have optimum natural surveillance and instead provide a central route through the site which would have full surveillance from the fronts of the proposed houses.

Landscaping

- 7.6 Landscaping treatment is proposed along the frontages of the proposed houses and also addressing the corners; and entrance points to the development. Trees are also proposed either side of the proposed footpath link. A landscaping plan has been provided which the Councils Landscape Officer is satisfied with. The Officer has no objection to the proposal subject to a condition requiring a landscape management and maintenance plan.

Highways

- 7.7 The application site is located in parking zone 3. The existing building provides 33 flats which are arranged as bedsit accommodation. The existing development does not provide any off-street parking but creates a demand for at least 33 parking spaces plus 7 visitor spaces; and there would also be a requirement for staff parking as there is warden present on site. Parking is currently accommodated on the surrounding roads.
- 7.7.1 The proposed development is for 16 no x 3 bedroom houses. This generates a demand for 48 parking spaces plus 4 visitor spaces. It is proposed to provide two off-street parking spaces per house which represents a shortfall of 1 space per house (16 in total). 4 visitor spaces would be provided. Whilst the proposed development would result in a shortfall in parking provision it would provide a significant improvement over the current situation which has a shortfall of at least 41 spaces. The application site is also located in a sustainable location with a school and facilities within the Commercial Street district centre a short walk away (around 200m). The Head of City Services (Highways) has noted the shortfall in parking provision but also recognises that the proposed shortfall can be off set against the current situation.
- 7.7.2 The Head of City Services (Highways) also had concerns about the original proposals to provide a shared surface through the development, where there would be limited demarcation between the highway and footpath; and the width of the footpath was also narrow. The applicants have addressed these concerns and now propose a conventional road layout with 2m wide footpaths, kerbing and upstands. The Highways Officer is satisfied with this layout.
- 7.7.3 The Highways Officer has also requested details of visibility splays and refuse track testing which have been provided to the satisfaction of the Officer.
- 7.7.4 Overall, the Highways Officer has no objection to the proposed development subject to conditions requiring the submission of a construction environmental management plan and

a restriction on planting heights within vehicle and pedestrian visibility splays. The Highways Officer also advises that a Section 111/278 agreement under the Highways Act 1980 would be required for works in the adopted highway; and a formal application to Welsh Government for the “stopping up” of the highway rights would be required under the provisions of the Town and Country Planning Act 1990, should planning permission be approved. The conditions are imposed and informatives added in relation to the Highways agreement and “stopping up” order.

Foul and surface water drainage

7.8 The application site is crossed by a number of public foul sewers. The applicant proposes a number of diversions to these sewers. Welsh Water has not raised any objection in this respect but they advise that separate consent is required under the Water Industry Act.

7.8.1 The applicant has submitted a drainage strategy which concludes that infiltrations tests have confirmed that soakaways would not be an appropriate method of sustainable surface water disposal. It also notes that the existing site already has a surface water connection. It is proposed to connect surface water to the public combined sewer and it is proposed to reduce the discharge rate to 6.6 litres per second (l/s) from an existing rate of 13.5l/s equalling a 51% betterment in surface water flows. Welsh Water have confirmed that this is acceptable in principle. They require a condition requiring the development to take place in accordance with the submitted drainage strategy.

7.8.2 Welsh Water has also confirmed that there are no concerns over foul drainage or water supply to the proposal.

Waste and Recycling

7.9 It is proposed to construct a conventional road into the development. The Councils waste and recycling team has commented that standard kerbside collections would take place providing the road is adopted. In the event that the road isn't adopted then collections would need to take place from Charlotte Green.

Protected species

7.10 The applicant has submitted a bat survey which reports that emergence and re-entry surveys have been carried out and have revealed that the existing building houses a maternity and day roost for two different species of bats. Natural Resources Wales has reviewed the survey and they advise that the development is unlikely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range, provided that suitable mitigation is implemented.

7.10.1 The bat survey identifies a number of mitigation options and through liaison with Natural Resources Wales and the Councils Ecology Officer it has been agreed that a permanent bat house would be provided in the rear garden of plot 1. The bat house would comprise a structure which looks like a shed. It would be constructed of facing brickwork, with concrete roof tiles and a timber door. It would measure 2m by 4m, with a maximum height of 3m. Bats would have access to the cavity between the roof covering and the inner felt lining. The bat house would need to be constructed prior to the demolition of the existing building. Demolition of the existing building can only take place during the winter months (mid September to mid April); and only providing there is no evidence of hibernating bats. A licenced ecologist will be required to be on call for the duration of the works. It is recommended that a condition is imposed to ensure that demolition only takes place during this timeframe. The applicant will also need to obtain a European Protected Species licence which will also control demolition and construction activity, along with the appointment of a suitably licenced ecologist. An informative is added to alert the applicant to this. It is also recommended that a condition is imposed to secure the precise location of the bat house to be constructed prior to demolition of the existing building, along with precise details to ensure it is suitable for use by pipistrelle bats; and to ensure its retention and maintenance in perpetuity.

Section 106 Planning Obligation matters

7.11 In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making

contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location.

7.11.1 In this case the application is for affordable housing and a registered social landlord (RSL) has been identified. Contributions towards affordable housing, education and leisure would not be required where the scheme is delivering affordable housing.

7.11.2 In order to safeguard the Authority a section 106 planning obligation is required to secure the affordable housing, education and leisure contributions should any of the units be sold as private market housing. The section 106 sets out formulas for calculating the sums should this scenario arise. The applicant has agreed to these terms.

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 development is considered to be acceptable. The re-development of this site which is no longer fit for purpose in order to provide 100% affordable family housing is welcomed in an area of high housing need. The opportunity to close alleyways which have poor surveillance and have potential for anti-social behaviour; and to provide a central

footpath through the site which would have improved surveillance is also considered to be a positive contribution to the surrounding area. Overall, it is considered that the proposed development would not result in a harmful impact on residential and visual amenity, highway and pedestrian safety or as a result of waste and drainage matters. Planning permission is granted subject to conditions and the signing of a legal agreement.

10. RECOMMENDATION

GRANTED WITH CONDITIONS SUBJECT TO A SECTION 106 LEGAL AGREEMENT WITH DELEGATED POWERS TO REFUSE PERMISSION SHOULD THE AGREEMENT NOT BE SIGNED WITHIN 3 MONTHS OF A RESOLUTION TO GRANT PERMISSION.

01 The development hereby approved shall be implemented in accordance with the following documents and drawings:

3489 PA 001 – Site Location Plan
3489 PA 004 rev J – Proposed Site Layout
3489 PA 010 – House type 851 General Arrangement and Elevations
3489 PA 011 – House Type 855 General Arrangement and Elevations
3489 PA 020 – Street Elevations
3489 PA 030 – Boundary Treatments
3489 PA031 – Bat House Elevations
16230-01 – Survey
16230-03 – Long Section
16230-04 rev P4 – Finishing and Kerbing
16230-08 rev P2 – External Levels
16230-09 rev P2 – Drainage Layout
16230-SK01 rev P3 – Tracking
429.01 – Planting Plan
Plan titled Vehicle Access Details
Bat Survey Report (BE Ecology, September 2018)
Geotechnical and Geo-Environmental Report (Terraforma, June 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

Pre- commencement conditions

02 Prior to the demolition of the existing buildings a bat house shall be constructed, the precise location and details of the bat house to make it suitable for use by Pipistrelle bats shall first be submitted to and approved in writing by the Local Planning Authority. The bat house shall be constructed in accordance with the approved details and retained as such thereafter in perpetuity.

Reason: In the interests of European protected species and in accordance with policies SP9 and GP5.

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

- a) dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition Activities;
- b) wheel wash facilities;
- c) noise mitigation measures;
- d) measures to minimise the impact on air quality;
- e) details of temporary lighting;
- f) details of enclosure of working areas;
- g) details of contractor parking areas and construction site accesses;
- h) details of delivery routes and phasing/programming of site works;
- i) a drainage strategy to operate setting out controls of contamination, including controls to surface water runoff, water pumping, storage of fuels and hazardous materials, spill response plans and pollution control measures.

j) pollution prevention and contingency measures.

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

Reason: In the interests of amenities and highway/pedestrian safety; and in accordance with policies GP2, GP4 and GP7.

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

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

Pre – construction conditions

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

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed; and in accordance with policy GP7.

Pre –occupation conditions

06 Prior to the occupation of the development hereby approved a scheme for electric vehicle charging points serving the parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the occupation of the development and the charging points shall be retained thereafter in perpetuity.

Reason: In the interests of sustainability and air quality; and in accordance with policies SP1 and GP7.

07 The landscaping scheme as shown in approved drawing 429.01 (March 2019) shall be carried out within the first planting season following the occupation of the dwellings or the completion of the development, whichever is the sooner. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with management and maintenance plan which shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwellings or the completion of the development, whichever is the sooner. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To ensure that the site is landscaped in a satisfactory manner and in the interests of visual amenity, in accordance with policies GP2, GP5 and GP6.

08 The development shall be carried out in accordance with the Drainage Strategy Report prepared by Bradley Associates (Reference 16230, dated November 2018) unless an alternative drainage scheme, to include details of disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means, is first submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To ensure adequate drainage is provided, in accordance with policy GP3.

09 Prior to the occupation of the development hereby approved the boundary treatments shall first be constructed in accordance with drawing 3489 PA 030. They shall be retained as such in perpetuity.

Reason: In the interests of residential amenity, in accordance with policy GP2.

10 Prior to the occupation of the development hereby approved the parking areas shown on the approved drawings shall be implemented and available for use thereafter. The parking areas shall be retained in accordance with the approved details.

Reason: To ensure adequate parking is provided on site in the interests of highways safety and in accordance with policies GP4 and T4.

General conditions

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

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed; and in accordance with policy GP7.

12 No demolition shall take place outside of the months mid September to mid April.

Reason: In the interests of European protected species; and in accordance with policies SP9 and GP5.

13 No structures, planting or vegetation shall be permitted above a height of 600mm above carriageway level within any visibility splays as shown in drawing 3489PA 004 rev J (Proposed Site Layout Plan) and 16230 04 P4 (External finishes and kerbing layout).

Reason: In the interests of highway and pedestrian safety, in accordance with policy GP4.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP13, GP2, GP3, GP4, GP5, GP6, GP7, H2, H3, H4, H9, T4 and W3 were relevant to the determination of this application.

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

03 The applicant will be required to enter an agreement under Section 111 or 278 of the Highways Act, 1980 to facilitate the off-site highway works.

04 The applicant will be required to apply to Welsh Government to formerly “stop up” the highway under the Town and Country Planning Act 1990.

APPLICATION DETAILS

No: 19/0299 **Ward:** CAERLEON

Type: FULL (MAJOR)

Expiry Date: 15-MAY-2019

Applicant: STARCO TV 2 LIMITED & UNIVERSITY OF SOUTH WALES

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

Proposal: CHANGE OF USE FROM EDUCATIONAL FACILITY (D1) TO FILM STUDIO (B1) FOR TEMPORARY PERIOD

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks planning permission for the temporary change of use from educational facility to a film studio at the University of Wales College Newport in Caerleon. The campus has recently been used for the filming of a television series without the benefit of planning permission. The programme has been commissioned a second series and hence this application has been submitted to regularise the use. Consent is sought until the end of 2020.
- 1.2 The application is being reported to Planning Committee due to the size of the site which is approximately 13.1 hectares although most of the filming is confined to smaller areas of the site. The site 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. The main access to the site is off Lodge Road although access is also achievable off College Crescent.
- 1.3 The site includes 3no Grade II Listed buildings (main building, Ty Hwyl and TJ Webly) and listed gate piers and no alterations are proposed.
- 1.4 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.
- 1.5 The site is located within the settlement boundary in a predominantly residential area although St Cadocs Hospital is located opposite the site on Lodge Road. The main considerations of this application are the conservation impact, neighbouring residential amenity, air quality and highways impact.
- 1.6 Members will be aware that planning permission was refused in October 2018 for the comprehensive redevelopment of the site (application reference 17/0781). An appeal has recently been lodged against this decision.

2. RELEVANT SITE HISTORY

17/0781	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	Refused
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3. POLICY CONTEXT

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

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

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 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 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 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 CE3 Environmental Spaces and Corridors safeguards environmental space and corridors as identified on the Proposals Map. Development of environment space will only be permitted where the existing space will be improved or complemented; there is no adverse impact on nature conservation interest; there is an appropriate replacement; or it can be demonstrated that there is an excess of environmental space.

Policy CE6 Archaeology states that proposals in areas known to have archaeological interest or potentially have archaeological interest will be required to undertake an archaeological impact assessment.

Policy CF1 Protection of Playing Fields, Land and Buildings used for Leisure, Sport, Recreation and Play notes that such sites will be protected unless it can be demonstrated that they are surplus to requirements or adequate alternative provision will be provided.

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

Relevant Supplementary Planning Guidance

Parking Standards SPG
Air Quality SPG

4. CONSULTATIONS

4.1 DWR CYMRU – WELSH WATER: No objection.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF CITY SERVICES (HIGHWAYS): No objection to this application based on the temporary use and low intensity of traffic generation using this brownfield urban site that has a lawful use as a University or educational facility.

5.2 HEAD OF CITY SERVICES (TREES): No response.

5.3 HISTORIC BUILDINGS CONSERVATION OFFICER: The change of use requires no alterations to the grade II listed buildings on the site and will help keep them in use in the short term. As such, I have no objection.

5.4 HEAD OF LAW AND REGULATION (NOISE): I confirm I have no objections to the proposals. However, due to the close proximity of existing residents living in the vicinity of the campus and the nature of the previous complaints received by this section from nearby residents last year when the site was temporarily used by the applicant to film a first series, conditions relating to plant noise and flood lighting should be attached to any permission granted.

5.5 HEAD OF LAW AND REGULATION (POLLUTION): The centre of Caerleon is a designated air quality management area (AQMA) due to the exceedance of nitrogen dioxide generated from road traffic emissions. Newport's Air Quality Supplementary Planning Guidance has assigned Caerleon with an Air Quality Planning Buffer to ensure developments do not prohibit the compliance of the AQMA with the air quality objectives in the shortest time possible. The application seeks temporary use as a film set for two years during the summer months. During the summer months road traffic is generally lighter, in particular during the schools holidays. Furthermore due to atmospheric changes in the summer nitrogen dioxide levels tend to be much lower compared to winter months.

The site is to be used as a single entity - traffic to and from the site can be controlled via a detailed and proactive travel plan. Access to the site via Ponthir Road should be seen as the primary route rather than through the centre of Caerleon, limiting the impact on the AQMA. This will be particularly important for larger vehicles. Within the travel plan I would encourage an exploration of all low/zero emission forms of transport, minimising trips as much as possible (car sharing) and avoiding travel through the centre of Caerleon. Overall, the scale of the road traffic impact appears to be relatively minimal and can be controlled / regulated through a travel plan. I do not see a reason to require a detailed air quality assessment.

I recommend permission is granted with the following condition - A detailed travel plan shall be submitted to the local planning authority. Nearing the end of a season of filming evidence and assessment of the travel plan shall be submitted to the local authority with proposals on how the travel plan can be improved for the following season.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 50m were consulted (123 properties), a site notice displayed and a press notice published in South Wales Argus. 2no responses received with comments summarised below:

-The use is acceptable subject to noise levels being managed;

-If the application is granted it would reduce additional stress on the area from increased property development;

-It would be good to see the gymnasium put back in use as it was great for sport and local school;

-There was noise and disruption when the site was used for filming last year and floodlighting shone through neighbouring windows until 2.30am. There is no objection to the change of use as long as noise is kept to a minimum.

6.2 COUNCILLOR GAIL GILES:

- All traffic associated with this application is additional traffic through Caerleon which will add to the high levels of pollution in High Street and Castle Street;
 - All HGVs/ Large lorries will result in particularly adverse effect on pollution and noise;
 - Any noise or disturbance to residents is not acceptable;
- Further comments should it be granted:
- I note all associated traffic will be restricted to outside peak/ school hours. This must be strictly monitored and adhered to.
 - Traffic, particularly lorries should avoid the centre of Caerleon unless absolutely necessary.
 - HGVs and lorries should avoid Pillmawr Lane at all times
- In addition I would ask that consideration is given to a positive contribution to our community. For example making the studios available for (Caerleon) school visits, which should be organised via the Education department and also for the public such as open day/s.

6.3 CAERLEON CIVIC SOCIETY: No response received.

7. ASSESSMENT

7.1 With regard to the filming schedule the applicant advises that filming is planned until the end of September 2019. Filming will take place five days a week, and will most likely be Monday to Friday. There may be some limited work on weekends but this would likely be production office and small amounts of set dressing. Filming activity at the campus would only be for 50% of the overall schedule as there will also be location shooting across Wales.

7.2 With regard to staff numbers the applicant provides the following information: the Production Company expects to have 10 key cast members, of whom perhaps 50% would be called on any one day. There would likely be 10 supporting cast and potentially 20 extras on certain days. Crew would typically sit at around 30 individuals overall. There is no residential accommodation of filming staff on the former campus site.

7.3 As noted above the site includes a rugby pitch which is also allocated as an Environmental Space. 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. The film production use will not prejudice the long-term use of the pitch and the proposals do not conflict with planning policy.

7.4 *Conservation Impact*

As noted above, the site includes 3no Grade II Listed buildings and listed gate piers and no alterations are proposed. However, no alterations are required to facilitate the use. The Conservation officer considers the temporary change of use is beneficial as it will help keep the buildings in use in the short term and offers no objections to the application. It is not considered that the use would result in an adverse impact to the character of the listed buildings.

7.5 *Highways Impact*

With regard to anticipated traffic generation the applicant advises that during the shoot, the Production Company would expect to have 20-30 cars on site, for the crew who would come into and out of the site once a day. The Production Company would also have 4-5 larger vehicles (although not HGV) for grip, camera, lighting, catering and props. Once on site and unloaded they would likely remain at the site for multiple weeks at a time.

7.6 With regard to traffic routes the applicant recognises that Pillmawr Road is a narrow road and has a movement order which prohibits use of the road for deliveries. Crew and cast are advised not to use the road during peak times.

7.7 The Head of City Services (Highways) advises that no objection is offered to this application based on the temporary use and low intensity of traffic generation using this brownfield urban site that has a lawful use as a University or educational facility. There is

ample vehicle parking at the site to accommodate the use and it is not considered that the proposals would result in an adverse highways impact.

7.8 ***Amenity***

The use of the site has potential to impact neighbouring amenity, particularly as a result of night filming. The applicant advises that the Production Company is not currently anticipating any night shoots, particularly given the school setting of the series, but this may change during the duration of the filming programme. Filming would typically start at 8:00am and wrap at 6:00pm, with some time allowed at either side. There will be some external shooting, but noise will be kept to a minimum.

7.9 The use of flood lighting can be controlled by condition preventing the use of such lighting between the hours of 22:00 hours and 06:00 hours. It is also considered appropriate to control the use of plant and equipment such as generators so that the noise emitted from them does not exceed levels as advised by the Council's Environmental Health's officers.

7.10 The applicant states clear lines of communication between Production and all cast and crew to promote a mindful and considerate approach to all points made above. Information will be conveyed by the means of memos targeting relevant crew (i.e. drivers) and also by the daily call which is viewed by all staff and production members. It is considered that subject to suitable conditions the amenity of neighbouring residents will be safeguarded and the use of the University as a film studio would not result in undue disturbance to neighbouring residents.

7.11 ***Air Quality Impact***

The centre of Caerleon is a designated Air Quality Management Area (AQMA) due to the exceedance of nitrogen dioxide generated from road traffic emissions. Newport's Air Quality Supplementary Planning Guidance has assigned Caerleon with an Air Quality Planning Buffer to ensure developments do not prohibit the compliance of the AQMA with the air quality objectives in the shortest time possible.

7.12 In response to the proposals the Head of Law and Regulation advises that overall the scale of the road traffic impact appears to be relatively minimal and can be controlled through a travel plan which should also encourage an exploration of all low/zero emission forms of transport, minimising trips as much as possible (car sharing) and avoiding travel through the centre of Caerleon. However, having regard to the current and short term nature of the proposal, a travel plan is considered onerous and unnecessary as any monitoring of it is unlikely to have any real effect as the use will cease at the end of 2020. This temporary use will lack the appropriate time to enforce and require any changes arising from a travel plan review and is considered to be of no real benefit in practice. The proposal will place additional vehicles on the network but this will be of limited duration and of limited number based on the information supplied. Larger vehicles capable of causing congestion and likely more polluting should avoid peak school times for both safety and air quality sake.

7.13 When considering the likely number of vehicles associated with the production, it is not considered that the proposals would result in an adverse air quality impact.

7.14 ***Community Engagement***

The applicant has advised that they are amenable to community engagement although opportunities to invite school parties onto the site during filming are restricted due to the health and safety issues associated with heavy equipment on site and the adult nature of the content of the show. The applicant has provided contact details for the purpose of community liaison. Notwithstanding this, whilst this can be viewed as a further merit of the use, this is not a material planning consideration. It is at the good will of the applicant and the Local Planning Authority has no power to secure this.

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 temporary change of use would not have an adverse impact to the character of the listed buildings. Subject to conditions it is considered that the amenity of neighbouring residents can be safeguarded and it is not considered that the proposals would result in an adverse highways impact or a demonstrable air quality impact when considering the fall-back use of the site.

9.2 The temporary use of the site for filming and the associated site activity and security is likely to deter anti-social behaviour and will help preserve the heritage assets .

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

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Supporting Statement by Alder King dated 20/3/2019 and 12/4/2019.

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

General conditions

02 Noise emitted from plant and equipment located at the site (such as generators) shall be controlled such that the rating level, calculated in accordance with BS4142 2014, does not exceed a level of 5dB below the existing background level, with no tonal element to the plant.

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

03 Any temporary or permanent floodlighting (including the site's sports ground lighting) shall not be operated between the hours of 22:00 hours and 06:00 hours on any day unless alternative hours are agreed as part of a night time filming strategy which has first been submitted to the Local Planning Authority and written approval received.

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

04 The use hereby permitted shall be discontinued by 1st January 2021 by which time all equipment associated with the use shall be removed from site and the land restored to its former condition.

Reason: To ensure the Local Planning Authority retains control of the use of the site and in accordance with Policies SP9, GP2, GP4 and GP7 of the NLDP.

05 No heavy goods vehicles associated with the use hereby approved shall access or leave the site between the hours of 08:00 to 10:00 and 15:00 to 17:00 Monday to Friday unless agreed as part of a Heavy Goods Vehicle monitoring plan which has first been submitted to the Local Planning Authority and written approval received.

Reason: In the interests of air quality management and to ensure there is no adverse highways impact.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, GP2, GP7, CE3, CE6, CF1 and T4 were relevant to the determination of this application.

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

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

04 To protect the amenities of nearby residents in the vicinity the applicant should avoid carrying out noisy works/activity except between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays. Noisy works/activity should be avoided altogether on Sundays or Bank Holidays.

05 The Public Protection Manager recommends that the applicant advocates effective communication with local residents in the vicinity by providing a letter drop detailing a point of contact for residents and display contact information on the site boundary to enable residents who may experience any disturbance, to contact the appropriate site personnel. In the likelihood of this section receiving any complaints, we will investigate under the Environmental Protection Act 1990 and any other necessary legislation.

APPLICATION DETAILS

No: 19/0333 **Ward:** GAER

Type: FULL

Expiry Date: 30-MAY-2019

Applicant: MANDY SHIDE, N.C.C FLYING START

Site: GAER COMMUNITY CENTRE, GAER ROAD, NEWPORT, NP20 3GY

Proposal: *INSTALLATION OF 5.9 X 3.0M CANOPY AND STEEL CONTAINER 3.0 X 2.4M. RELOCATION OF PEDESTRIAN GATE ENTRANCE. REMODELLING OF EXTERNAL PLAY AREA, MINOR LAND REGRADING WORKS TO PLAY AREA, NEW TIMBER STEPS TO PLAY AREA, NEW LOW TIMBER FENCING INSIDE PLAY AREA, INSTALLATION OF NEW SOAK-AWAY, AND DRAINAGE WORKS. NEW BI-FOLDING DOORS*

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

1.1 Various works are proposed to the Gaer Community Centre which include the installation of a storage container, relocation of play equipment , new timber steps, general regarding works, new drainage the installation of a new canopy which would be sited on the northern elevation of the building and the installation of bi-fold doors within the north elevation.

1.2 The application is brought before Planning Committee as it relates to a Council owned site.

2. RELEVANT SITE HISTORY

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 None.

5. INTERNAL COUNCIL ADVICE

5.1 None.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within a common boundary with the application site were consulted (2 properties) and a site notice was displayed., No representations have been received.

7. ASSESSMENT

- 7.1 Various works are proposed to the Gaer Community Centre. All the works are proposed to the area of land to the north of the building which is currently used as a play area. It is proposed to install a container in the northern corner of this area which would measure 3m in length, 2.4m in width and 2.4m in height and would be used to store toys. The container would be colour coated green. The existing play equipment would be dismantled and reassembled slightly north west of the existing position. The existing entrance gate is to be blocked up and relocated some 7m north to create a new entrance. A new path is to be installed which would comprise a black crumbed rubber finish to allow access for disabled users.
- 7.2 It is proposed to install a new canopy which would be sited on part of the northern elevation of the building. Bi-fold doors would be inserted into this part of the elevation. The canopy would measure 5.9m in width, 3m in depth and would have a mono pitch roof some 3m high. It is proposed to construct the canopy with a steel powder coated blue frame and a polycarbonate roof. The bi-fold door would be coated blue to match the existing fenestration. It is also proposed to install an external shutter over these doors. The applicant has stated that the shutter would be identical to the other external shutters already present on this building.
- 7.3 It is proposed to regrade some of the land and install timber steps to allow access to the proposed covered area. Additional drainage including new soakaways is proposed to be installed.
- 7.4 The main issues would be the impact upon residential amenity and visual impacts. The Community Centre abuts the play fields of Gaer Primary School to the east, a path way to the school immediately abuts the eastern boundary of the site and further to the east is a car park which serves the Hill View Flats. In terms of the impact upon residential amenity, the area is currently used as a play area and other than slightly relocating the equipment no further changes are proposed. The proposal would not be at odds with Policy GP2 of the adopted Newport Local Development Plan.
- 7.5 The container is proposed in the northern corner of the site. It would not be highly visible from Gaer Road as it is set some 25m away from the road and partly obscured by Hill View. It would be coated green and whilst slightly bigger, not dissimilar in appearance to an utility building which sits on the edge of the Hill View car park. The applicant proposes to plant a hazel hedge within the corner of the site which would have the effect of softening the appearance of the container. It is therefore considered that the container would not be detrimental to the appearance of the area. Gaer Community Centre is a modern style building of a simple architectural design. It is considered that the proposed canopy would not be at odds with the character of the building. The proposal would not be at odds with Policy GP2 and GP6 of the adopted Newport Local Development Plan.

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 works would be acceptable. It is recommended that planning permission is granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents NPS-DR-A (10) 003 P2 and 005 P1

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

02 The scheme of landscaping, hedge planting and management schedule hereby approved shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of the development. Thereafter the hedge shall be retained for a period of 5 years from the date of planting and any which die or are damaged shall be replaced and retained until satisfactorily established. For the purpose of this condition, a full planting season shall mean the period from October to April.

Reason: To secure the satisfactory implementation of the proposal.

03 The container shall be colour coated green at the time of installation and maintained as such, in accordance with the plans hereby approved.

Reason: In the interests of visual amenity.

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.

APPLICATION DETAILS

No: 19/0398 **Ward:** GAER

Type: FULL

Expiry Date: 18-JUN-2019

Applicant: NEWPORT CITY COUNCIL

Site: MAESGLAS JUNIOR AND INFANT SCHOOL, MAESGLAS ROAD, NEWPORT, NP20 3DG

Proposal: ERECTION OF NEW MODULAR BUILDING FOR ADDITIONAL NURSERY CLASSROOM AND ASSOCIATED LANDSCAPING, FENCING, GATE AND FOOTPATH

Recommendation: GRANTED WITH CONDITIONS**1. INTRODUCTION**

- 1.1 This application seeks permission for the erection of a new nursery building with associated infrastructure to serve Maesglas Primary School in the Gaer ward.
- 1.2 The application is reported to Planning Committee as the land is owned by Newport City Council.

2. RELEVANT SITE HISTORY

- 2.1 None.

3. POLICY CONTEXT

- 3.1 ***Newport Local Development Plan 2011-2026 (Adopted January 2015)***
 SP1 — Sustainability
 GP2 — General Amenity
 GP4 — Highways and Accessibility
 GP5 – Natural Environment
 GP6 — Quality of Design
 CF1 – Protection of Playing Fields, Land and Buildings Used for Leisure, Sport, Recreation and Play

4. CONSULTATIONS

- 4.1 None.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF CITY SERVICES (DRAINAGE MANAGER): No representations received.
- 5.2 HEAD OF CITY SERVICES (HIGHWAYS): No objection.
- 5.3 HEAD OF CITY SERVICES (LANDSCAPING): No objection.
- 5.4 HEAD OF CITY SERVICES (TREE OFFICER): No objection.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties with a common boundary were consulted (thirty-four addresses). No representations were received.

7. ASSESSMENT

- 7.1 The proposed nursery building would be located to the rear of the existing school building. It would be located in a landscaped area currently used for reading time and contains a

willow circle and some trees. Whilst these trees would be removed, a scheme has been submitted to replace them elsewhere on the school site.

- 7.2 The proposed modular building would measure a maximum of 3.4 metres in height, 15.8 metres in length and 8.7 metres in width. There would be 3no. canopies at the entry points to the building. The largest of these would be on the South West elevation, measuring 9.6 metres in length, 3.0 metres in width and 2.8 metres in height.
- 7.3 The main entrance to the building would be located on the South East elevation with double doors and a window installed on this elevation. The north east elevation would be most visible on the approach to the building with double doors to serve a boiler room and 3no. further windows on this elevation. While each of these elevations would have a low void to wall ratio, the elevations are broken up by the contrasting colours of the metal cladding chosen as the external finishes. The North West elevation which would face the existing school building would have a further window and large sliding doors. The South West elevation would have a further 3no. windows, sliding doors and a set of double doors to serve an external store.
- 7.4 A new pathway would be installed to create a separate access to the nursery building along the southern boundary of the school site, bordered by 1.8 metre mesh fencing to the northern side of the path way. The pathway would be constructed from permeable paving, together with a new collection area to include pushchair shelter. Further fencing would separate the nursery site from wider circulation space surrounding the school to ensure the security of the site. A new play area would be created to the South West side of the building.
- 7.5 The site is not visible from the public highway, but can be viewed from adjacent residential properties which are separated from the school site by a brick wall of approximately 1.6 metres in height. Despite this, as the nearest residential property is sited approximately 21.0 metres from the proposed single storey building, it is not considered that it would have an unacceptable impact on the amenity of neighbouring occupiers in terms of loss of light or overbearing impact. The proposed building is modest in scale and its appearance is consistent with a modern educational facility and it is considered that it would not have an unacceptable impact on visual amenity.
- 7.6 Whilst the proposed building would increase the intensity of use in this part of the site, it is considered that any increased noise generated, particularly at break times and at pick-up and drop-off would not result in an unacceptable impact to residential amenity. This is due to the use being confined to term-time day-time and not for protracted periods.
- 7.7 The purpose of the building is to provide a stand alone nursery unit that would aid in freeing up space in the main school building which would be used to reduce class sizes. There would be no increase in pupil or staff numbers. As a result, there would be no increase in vehicle movements and Head of City Services (Highways) has no objections to the proposals.
- 7.8 As some trees would be removed to accommodate the proposal, the applicant has submitted a landscaping plan indicating that the larch trees to be removed would be replaced by 9no. *halesia carolina monticola* and narcissus along the new proposed pathway. Head of City Services (Landscaping) and the Council's Tree Officer have no objections to the proposal.
- 7.9 Whilst some outdoor play space would be lost as a result of the proposal, adequate play provision would be retained for both the new nursery unit and existing school building with yard and playing fields remaining available and improved soft surface play are provided as part of the development. It has also been confirmed by the applicant that the area is surplus to requirements as adequate play space would be retained to meet the current standard. Having regard to the above the proposal is considered to comply with policy CF1.

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 When assessed against the adopted policies, it is considered that the proposal would not have an unacceptable impact on visual or residential amenity and supports the education function of the school site. The proposal is therefore considered to be acceptable.

10. **RECOMMENDATION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Proposed External Arrangement NPS-DR-A-(**)-003 Rev P2, Proposed Plan & Elevations NPS-DR-A-(**)-020 Rev P1 and Landscaping Plan.

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

Pre- commencement conditions

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

- (a) Dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition Activities;
- (b) Wheel wash facilities; and
- (c) Contractor parking areas. Development works shall be implemented in accordance with the approved CEMP.

Reason: To protect the amenities of nearby residents.

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

Reason: To ensure that the development is completed in a manner compatible with its surroundings.

General conditions

04 The scheme of landscaping, tree planting and management schedule hereby approved shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of the development. Thereafter the trees and naturalised bulbs shall be maintained for a period of 5 years from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established. For the purpose of this condition, a full planting season shall mean the period from October to April.

Reason: To secure the satisfactory implementation of the proposal.

NOTE TO APPLICANT

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

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

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

APPLICATION DETAILS

No: 19/0427 **Ward:** MARSHFIELD

Type: FULL (MAJOR)

Expiry Date: 17-JUN-2019

Applicant: VELINDRE NHS TRUST

Site: IP5, CELTIC WAY, CELTIC LAKES, NEWPORT, NP10 8BE

Proposal: CHANGE OF USE FROM MANUFACTURING B2 TO STORAGE/DISTRIBUTION B8

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the change of use from manufacturing (Use Class B2) to storage and distribution (Use Class B8). The applicant also refers to a proposed manufacturing (Use Class B2) element but as this would be ancillary to the storage and distribution operation it is not referred to in the above description.
- 1.2 It is proposed to store and distribute fast moving consumables for hospital/health care use serving the whole of Wales. The operation would employ approximately 150-200 people.
- 1.3 The application building forms part of the wider Imperial Park estate, a collection of industrial buildings within the Coedkernew Ward of Newport.

2. RELEVANT SITE HISTORY

12/0138	EXTENSION TO YARD AND ASSOCIATED SURFACE WATER DRAINAGE AND EARTH BUND	Granted with conditions
15/0512	CHANGE OF USE FROM MANUFACTURING OF TELEVISION MONITORS, ASSEMBLY PLANT AND ASSOCIATED ENGINEERING AND OPERATIONS TO MANUFACTURING (CLASS B2) WITH ANCILLARY OFFICES AND STORAGE AND DISTRIBUTION FACILITIES	Granted with conditions

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

Objective 3 Economic Growth - to enable a diverse economy that meets the needs of the people of Newport and those of the wider South East Wales economic region. Policy **SP1 Sustainability** favours proposals which make a positive contribution to sustainable development.

Policy **SP17 Employment Land** allocates 172 hectares of employment land for the plan period.

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 **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 **T2 Heavy Commercial Vehicle Movements** states that developments which generate heavy commercial vehicle movements will be favoured in locations which have access to a railway line, wharf or dock. Where this is not appropriate, locations accessible to strategic and principal routes will be favoured. Elsewhere, such development will be resisted.

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

Policy **W3 Provision for Waste Management Facilities in Development** states that where appropriate, facilities for waste management will be sought on all new development.

3.2 **Supplementary Planning Guidance**

Parking Standards (adopted August 2015)

4. **CONSULTATIONS**

4.1 REGIONAL AMBULANCE OFFICER: No response.

4.2 NEWPORT ACCESS GROUP: No response.

4.3 NEWPORT CIVIC SOCIETY: No response.

4.4 HEDDLU – GWENT POLICE (ARCHITECTURAL LIAISON): No response.

4.5 SOUTH WALES FIRE AND RESCUE: No response.

5. **INTERNAL COUNCIL ADVICE**

5.1 HEAD OF CITY SERVICES (HIGHWAYS): comments to be reported to Planning Committee.

5.2 HEAD OF LAW AND REGULATION (ENV. HEALTH): No objection subject to conditions requiring details of sound power output of plant and its exact location; and details of waste and recycling storage.

5.3 REGENERATION MANAGER: No objection. The jobs created would be broadly similar to a manufacturing occupier. The buildings have struggled to attract manufacturing tenants, and there will be considerable space remaining for B2 use at IP1 & IP2, totalling 132,759 sq ft.

6. **REPRESENTATIONS**

6.1 NEIGHBOURS: All properties sharing a common boundary with the application site were consulted (3 properties), a site notice was displayed and a press notice published in South Wales Argus. No responses.

6.2 COEDKERNEW COMMUNITY COUNCIL: No response.

7. ASSESSMENT

7.1 The application building is a white metal clad rectangular building which forms part of the wider Imperial Park industrial estate. It has a floor area of 25,835m², with 5,188m² of that being provided at mezzanine level. The site is accessed off Celtic Way where there are internal estate roads around the building. 139 parking spaces are provided to the east of the building and loading/unloading areas are provided to the west of the building. This building and the wider industrial estate were constructed during the mid 1990's, as part of the LG electronics plant development. Although more recently occupied the building had been vacant for many years after its construction.

7.2 The site has good transportation links with the A48 and the M4. The surrounding units are all industrial/commercial in nature, with a number of different occupiers operating from the remaining units. Essentra and Smiths News occupy the unit to the north of the site and QRL Radiator Group occupy the units to the south of the site. To the east is Celtic Way and to the west is a greenfield corridor comprised of mature trees/hedges.

The proposed use

7.3 It is stated in the application's supporting planning statement that the proposed use of the building would comprise a B8 use for the storage and distribution of fast moving medical consumables for hospital/health care use. The consumables include items such as examination gloves, catheters, syringes, cleaning materials, non-perishable food (tins/bags/packs) and catering consumables (crocker/foil/cutlery). It is also proposed to retain an element of B2 manufacturing however, this would be ancillary to the primary storage and distribution operation. It is anticipated that between 150 and 200 people would be employed.

Policy context

7.4 Objective 3 as well as policies SP1, SP17, GP2 and T2 of the Newport Local Development Plan 2011-2026 (adopted January 2015) are relevant to the determination of this application. These policies generally seek to ensure a sustainable use of land, promote economic growth, safeguard existing employment sites, safeguard amenity and ensure that there would be no detrimental impact from HGV movements.

7.5 It is proposed to utilise an existing building without the need for any external or significant alterations. The re-use of an existing building would be ideal from a sustainable perspective. As the unit is located in an industrial park, it is not considered that the proposed use would be out of character with the area. The nearest residential property to the application building is some 290m to the west of the application site at 15 Church Crescent. As a result and given the potential noise/activity from the permitted use, it is not considered that the proposed use would result in a detrimental impact on residential amenity over and above that of the permitted use.

7.6 The Head of Law and Regulation (Environmental Health) has no objection to the proposed development subject to conditions requiring details of sound power output of plant and its exact location; and details of waste and recycling storage. Given the existing manufacturing use of the building, the industrial nature of the site and surrounding area and the significant distance from the nearest residential property

(290m) it is not considered reasonable to impose a condition relating to sound power output. The previous application (15/0512) for the manufacturing use was subject to a condition which restricts noise emitted from any building or plant to no more than 5dB(A) above the existing background level. It is considered necessary to impose this condition to ensure the proposed use is no worse than the existing operation.

- 7.7 The applicant has provided details of waste and recycling storage. They state that all waste would be collected by a private waste management company and standard NHS standard practices in terms of recycling would be used. This information is considered to be sufficient and it is not necessary to require further information through a condition.

Highways

- 7.8 The application site is located in parking zone 5. The Parking Standards Supplementary Planning Guidance sets out parking requirements for industrial uses. There are operational requirements for vehicles such as HGV's and LGV's and these are a percentage of the gross floor area. There are also non operational requirements for staff and visitor car parking. The operational requirements for the proposed use would be the same as the existing use. The non operational requirements for the proposed use (i.e. 1 space per 140m²) would be less than the existing use (i.e. 1 space per 80m²). As such the proposed use would create a demand for parking which is either equal to or less than the existing use.

- 7.9 The site is readily accessible to strategic and principle routes. It is therefore considered to be well connected to a highway network capable of accommodating heavy commercial vehicle movements; and given that the proposed use would generate fewer vehicle movements it is not considered to have a harmful impact on the highway network.

Benefits

- 7.10 Whilst the proposed use would see a loss in a manufacturing use it is recognised that there would be considerable space remaining within Imperial Park for manufacturing. The proposed use would ensure that the unit would remain occupied where it is known that surrounding units have struggled to find occupiers; and the ongoing provision of up to 200 jobs would be a positive impact on the local economy, which is welcomed.

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 change of use is considered to be acceptable and in accordance with policies SP1, SP17, GP2, GP4, GP7, T2, T4 and W3 of the Newport Local Development Plan 2011-2026 (adopted January 2015). It is not considered that the proposed use would result in a harmful impact on residential amenity, highway safety or capacity, nor would it conflict with the surrounding uses within Imperial Park. The ongoing use of the building and job creation are considered to be positive impacts. 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: ?_02S/1, ?_03S/1, ?_04S/1 and ?_05S/1

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 level of noise emitted from any building or plant as measured from any boundary of the site shall not exceed 5dB(A) above existing background levels when measured and corrected in accordance with BS 4142:1997.

Reason: In the interests of residential amenity, in accordance with policy GP2 and GP7.

NOTE TO APPLICANT

01 This decision also relates to: Planning Statement (Asbri, April 2019) and Pre Application Consultation Report (Asbri, April 2019).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP17, GP2, GP4, GP7, T2, T4 and W3 were relevant to the determination of this application.

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