

Report

Planning Committee – Virtual Meeting

Part 1

Date: 2nd February 2022

Subject **Planning Application Schedule**

Purpose To take decisions on items presented on the attached schedule

Author Acting Head of Regeneration, Investment and Housing

Ward As indicated on the schedule1

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

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

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

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

Action by Planning Committee

Timetable Immediate

This report was prepared after consultation with:

- Local Residents
- Members
- Statutory Consultees

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

Background

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

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

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

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

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

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

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

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

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

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

Financial Summary

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

Risks

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

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

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

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

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

Risk	Impact of risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect?	Who is responsible for dealing with the risk?
Decisions challenged at appeal and costs awarded against the Council.	M	L	Ensure reasons for refusal can be defended at appeal.	Planning Committee
			Ensure planning conditions imposed meet the tests set out in Circular 016/2014.	Planning Committee
			Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.	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.

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

Children and Families (Wales) Measure

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

Wellbeing of Future Generations (Wales) Act 2015

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

- Long term: Decisions made by the Planning Committee balances the need to improve the appearance of areas as well as meeting the needs of residents in order to make places safe to live in and encourage investment and employment opportunities. Planning decisions aim to build sustainable and cohesive communities.
- Prevention: Sound planning decisions remove the opportunity for anti-social behaviour and encourages a greater sense of pride in the local area, thereby giving the City potential to grow and become more sustainable.

- Integration:** Through consultation with residents and statutory consultees, there is an opportunity to contribute views and opinions on how communities grow and develop, thereby promoting greater community involvement and integration. Planning decisions aim to build integrated and cohesive communities.
- Collaboration:** Consultation with statutory consultees encourages decisions to be made which align with other relevant well-being objectives.
- Involvement:** Planning applications are subject to consultation and is regulated by legislation. Consultation is targeted at residents and businesses directly affected by a development, ward members and technical consultees. Engagement with the planning process is encouraged in order to ensure that the views of key stakeholders are taken into consideration.

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

Crime and Disorder Act 1998

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

Consultation

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

Background Papers

NATIONAL POLICY

Planning Policy Wales (PPW) Edition 11 (February 2021)
Development Management Manual 2016
Welsh National Marine Plan November 2019
Future Wales - The National Plan 2040 (February 2021)

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 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 13: Tourism (1997)
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: Planning and The Welsh Language (2017)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)

TAN 24: The Historic Environment (2017)

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

Welsh Government Circular 016/2014 on planning conditions

LOCAL POLICY

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

Supplementary Planning Guidance (SPG):

Affordable Housing (adopted August 2015) (updated October 2021)
Archaeology & Archaeologically Sensitive Areas (adopted August 2015)
Flat Conversions (adopted August 2015) (updated October 2021)
House Extensions and Domestic Outbuildings (adopted August 2015) (updated January 2020)
Houses in Multiple Occupation (HMOs) (adopted August 2015) (updated January 2017)
New dwellings (adopted August 2015) (updated January 2020)
Parking Standards (adopted August 2015)
Planning Obligations (adopted August 2015) (updated January 2020)
Security Measures for Shop Fronts and Commercial Premises (adopted August 2015)
Wildlife and Development (adopted August 2015)
Mineral Safeguarding (adopted January 2017)
Outdoor Play Space (adopted January 2017)
Trees, Woodland, Hedgerows and Development Sites (adopted January 2017)
Air Quality (adopted February 2018)
Waste Storage and Collection (adopted January 2020)
Sustainable Travel (adopted July 2020)
Shopfront Design (adopted October 2021)

OTHER

“Newport City Council Retail Study by Nexus Planning (September 2019) “ is not adopted policy but is a material consideration in making planning decisions.

‘The Economic Growth Strategy (and associated Economic Growth Strategy Recovery Addendum) is a material planning consideration’.

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

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

1.

APPLICATION DETAILS

No: 21/0905 **Ward:** Beechwood
Type: Full Application
Expiry Date: 14th January 2022
Applicant: Phull
Site: 14 St Johns Road Newport NP19 8GW
Proposal: **DEMOLITION OF EXISTING WC AND CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO HMO (CLASS C4)**

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

1.1 This application seeks consent for the change of use of 14 St Johns Road from a dwelling house (C3) to a house in multiple occupation (C4).

2. RELEVANT SITE HISTORY

89/0124	ERECTION OF A DETACHED DOUBLE DOMESTIC GARAGE	GRANTED WITH CONDITIONS
---------	---	-------------------------

3. POLICY CONTEXT

3.1 Policies GP2 (General Amenity), GP4 (Highways and Accessibility), GP6 (Quality of Design), T4 (Parking) and H8 (Self Contained Accommodation and Houses in Multiple Occupation) of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) are relevant to the determination of this application as are the Houses in Multiple Occupation (HMOs) Supplementary Planning Guidance (Updated January 2017) and the Parking Standards Supplementary Planning Guidance (Adopted August 2015).

4. CONSULTATIONS

4.1 DWR CYMRU (WELSH WATER): Sewerage - We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. Surface water drainage - The proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, and is strongly recommended that the developer engage in pre-application consultation with the Local Authority, as the relevant SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. Should it be determined that SAB consent is not required, we request that if you are minded to grant Planning Consent for the above development that the following Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

4.2 GWENT POLICE: No comments received.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF CITY SERVICES (HIGHWAYS): Initial Comments; The site is located on St Johns Road, a residential road with a 30mph speed limit. The site has no off-street parking and therefore no vehicular access. The site is located in Parking Zone 3 which will require that 1 parking space per bedsit and 1 visitor space per 5 units is provided to comply with Newport City Council SPG Parking Standards (August 2015). The proposed HMO will accommodate 6 bedsits generating a parking demand of 6 spaces + 1 visitor space, a total of 7 spaces. The

existing dwelling has 3 bedrooms generating a parking demand of 3 spaces and therefore there is a parking shortfall of 4 parking spaces which is unacceptable, however, the applicant could consider providing a parking survey carried out by a competent professional in accordance with the Lambeth Methodology to mitigate the shortfall of 4 parking spaces created by the development. The applicant will be required to provide cycle parking in accordance with Newport City Council SPG Sustainable Travel (July 2020) which requires that 1 secure and covered cycle parking space is provided per 2 bedrooms. A total of 3 cycle spaces will be required which should be shown on a drawing and submitted for approval. I would therefore offer an objection to this application on highway grounds but would be prepared to revise this decision subject to the applicant providing additional information to address the above issues.

Final Comments; Further to previous highways comments. The submission of the parking survey demonstrates on street capacity exists to satisfy the SPG Parking requirements. It has not been demonstrated that the aforementioned requirement for 3 secure cycle parking is provisioned in accordance with Sustainable Travel SPG.

5.2 HEAD OF REGULATORY SERVICES (PUBLIC PROTECTION): I confirm I have no objections to the proposals.

5.3 HEAD OF REGULATORY SERVICES (HMO LICENSING): I can confirm that provided the property achieves the standards expected for a house in multiple occupation licenced by Newport City Council (attached), I would have no objection to the property becoming a house in multiple occupation. However, please note my comments below;

- The communal kitchen area must contain suitable kitchen facilities for the intended number of occupants. The kitchen/lounge and bedrooms would also need to meet the relevant sizes, depending on the intended number of occupants. See the attached guidance notes.
- The ground floor rear bedroom does not have a window, only a door for ventilation. As such one of the below options would be required;
 - Change a panel within the door to an openable window.
 - Change the door to a tilt and turn door.
 - Install an openable window. The window would need to be fitted by a FENSA registered contractor or alternatively Building Regulation permission sought.
 - Install a security restrictor, to restrict the door from being opened wider than 10cms. The restrictor shall be unable to be opened from the outside and provide a passive vent/air brick to the bedroom external wall.
- All rooms including bathrooms, ensuites and WCs must be provided with a suitable fixed form of heating.
- In relation to the proposed storage cupboard in the ground floor hallway under the staircase, any cupboards within the escape route must not be used for the storage of flammable materials unless they are fire resisting, kept locked shut and smoke alarms/detectors are fitted within them.
- Each ensuite and water closet will require suitable mechanical ventilation where there is no openable window within the room itself.
- Appropriate fire safety precautions must be present.
- Suitable waste management arrangements must be in place upon occupation as a HMO.

I do not have an objection to the demolition of the existing WC.

If it is intended for the dwelling to be converted into a House in Multiple Occupation under the Housing Act 2004, Part 2, where it will be occupied by more than two households, the most appropriate person (usually the landlord/owner of the property) should apply to the Environmental Health Housing Team on 01633 656656 or hmo@newport.gov.uk for a HMO licence.

5.4 HEAD OF CITY SERVICES (WASTE): No comments received.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 50m of the site (70no properties) were consulted and a site notice was erected at the site. The following comments were received.

2 St Johns Road

- This Road is on a very steep hill, parking is dreadful with the number of vehicles currently in the road. To add another 6 people in an HMO where there is already an overpopulation with residents of flats and bed sits in the road creates a further hazard to the residential area.

4 St Johns Road

- I can't say that I'm happy with the prospect of another HMO in the street, I have got to agree fully with number 7 and 2 st johns rd. Parking is a nightmare, open drug dealing, parties, loudness of people in the street, bad behaviour in general and with the absents of a landlord, who monitors this? Also the black bags and litter they leave. The prospect of another HMO and the problems they bring is not welcomed.

7 St Johns Road

My objections are;

- Parking. I have a drive. One of the few in the road. I get blocked out and more annoyingly, my car gets blocked in. The road is already heavily congested with vehicles and there are double yellow lines at the bottom of the road, thus reducing parking opportunities.
- One has no idea who one's neighbours are or who is visiting. The house is currently let to rooms and although quiet now there have been some nefarious goings on in the past including open drug dealing and large parties in lockdown. Who monitors this? An absentee landlord?
- The road is already over populated with flats a house of multiple occupation will only add to the current difficulties.

6.2 COUNCILLORS (DAVIES & SPENCER): Councillor Mark Spencer and I would like to submit our objections to this planning application to site a further HMO in this area.

- Firstly I would like to point out this is already an area where a good number of previous applications for HMOs have been approved which means that population density is already at a premium and is changing the demographics of the area. The street was traditionally built and designed for families and this is being eroded with increasing number of single person dwellings being developed in the area.
- One of the key judgments that is made to determine density of population, which is used by Planning Inspectorate Wales is to count the number of 'for let signs' in the area. As this is not an area where students choose to settle, letting agencies do not choose to advertise their properties in this manner, as its not an effective way for them to attract new tenants. Therefore this cannot be used as a measure to determine the density of rented single dwelling properties in this area. It would be unfair if this assessment criteria is applied.
- We are concerned that families are being forced to move away for this area and this will ultimately have an impact on local schools and other amenities, as properties are being rapidly purchased by developers who have also recognised the recent demographic change to the street and area. GPs in the area are already over worked and oversubscribed.
- The transient movement of tenants already means that pride is not taken in how the street looks, how recycling and waste is managed. This leads onto fly tipping and increasing ASB. We completely oppose the development of a further HMO as this is furthering the unwanted change to this area of Beechwood.
- Additionally, with the proposed development of 6 bedrooms this will lead to agreeing to the provision of seven parking spaces. This would be an addition of four from what has previously been deemed as acceptable for a three bedroomed home. Parking is already a concern, especially as residents are only allocated one parking space per property (zone 3). We get frequent complaints regarding parking, with residents having to park some streets away and this adds to our concern. Lone women at night walking these streets is a worry.
- Finally we note that the rear bedroom does not have a window, which we feel is unacceptable and some consideration needs to be given to this. This proposal is not conducive to health and well-being, with a lack of ventilation being a specific issue.
- If officers are minded to approve this decision we would request that this is taken to the planning committee for consideration.

6.3 COUNCILLOR (BERRY): No comments received.

7. ASSESSMENT

- 7.1 The proposed HMO would contain 6no bedrooms. The ground floor of the property would contain a hallway, 2no bedrooms, WC and an open plan kitchen/living area. At first floor there would be a bathroom, WC and 3no bedrooms of which two would have an ensuite. In the attic, there would be 1no bedroom and a bathroom.
- 7.2 Policy H8 (Self Contained Accommodation and Houses in Multiple Occupation) states; 'within the defined settlement boundaries, proposals to subdivide a property into self-contained accommodation, bedsits or a house in multiple occupation will only be permitted if: i) the scale and intensity of use does not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on street parking problems; ii) the proposal does not create an over concentration of houses in multiple occupation in any one area of the city which would change the character of the neighbourhood or create an imbalance in the housing stock; iii) adequate noise insulation is provided; iv) adequate amenity for future occupiers.' The main considerations of this application are the potential impact of the change of use on parking provision and the potential impact on the character and amenity of the surrounding area and neighbouring properties, taking into account any HMO's within close proximity to the site.
- 7.3 The property currently benefits from 7no bedrooms according to plans but it is understood that the property has been used as a HMO by a previous owner although there is no record of any permission having been given for this and the current applicant and owner confirms the lawful use is a dwelling. The existing layout would reflect the unauthorised HMO use and its lawful use as a dwelling would likely have had 3 bedrooms. The proposal will increase this to 6 bedrooms with separate communal living space for residents. The HMO SPG states that 'HMO's should provide outdoor amenity space in which residents can relax, dry their clothes and store refuse and recycling bins. Shared amenity spaces will be acceptable so long as they can accommodate every resident of the properties they serve.' The property benefits from outdoor amenity space to the rear that will be accessible for residents. The Council's Noise & Neighbourhood Team were consulted on the proposal and confirmed that they offer no objection to the proposal. The HMO licensing team were also consulted on the proposal and confirmed that they would offer no objection to the proposal providing that it achieves the standards expected for a HMO. The HMO standards state that a bedroom should be at least 6.51m², a kitchen for 6no persons should be at least 10m² and a living room for 6no persons should be at least 12m². All bedrooms meet this standard. The kitchen and living room is a single open space. This space meets the standards for the minimum size for 6no persons. The Officer raised concerns that the rear ground floor bedroom does not have a window with its only ventilation being a door. Following this concern being raised with the applicant, the door was replaced with a window which is considered to be acceptable. All bedrooms contain windows, providing adequate light and ventilation for future occupiers. The staircase serving the bedrooms at first and second floor is on the gable side of the property, and does not adjoin any neighbour. The ground floor habitable rooms of the dwelling will become 2 bedrooms whilst the first floor will retain 2 bedrooms adjoining the party wall with the adjoining neighbour. The attic will be one bedroom and will need to meet separate building regulations requirements for licensing purposes as will the whole house in terms of fire safety. As this matter is regulated by other departments, the planning authority must not duplicate these controls.
- 7.4 The SPG states that 'clusters of HMOs can alter the composition of a community and detract from local visual amenity. The guidance introduces a threshold above which HMOs are considered to detract from the character of the area. In general, the Council will not support a planning application that would take the number of HMOs, considered as a proportion of the local housing stock, above a specified limit. In "defined areas" this limit is 15%, in other areas, 10%.' When taking a 50m radius from the address point of the application site, the full front elevations of 19no properties are caught. There are currently 2no HMOs within these 19no properties, equating to 10.5%. If the application were to proceed, HMOs would constitute 15.8% (3 of 19 properties) of the selected housing stock. Therefore, breaching the threshold by 5.8%. Whilst contrary to the Council's SPG, it is necessary to identify harm that would occur as a result of the proposal.

- 7.5 A planning application (Ref.16/0968) seeking to change the use of 12 Llanthewy Road to a house in multiple occupation was refused on 10 November 2016 for the reason that the proposal would result in an over-concentration of HMO's to the detriment of the character of the area and residential amenity. A subsequent appeal (APP/G6935/A/17/3168984) was allowed and planning permission granted by the Planning Inspectorate on 23 May 2017. In that case, the proportion of HMO's would have risen to 23.5%. The Inspector stated that an exceedance of the threshold was not sufficient to refuse a scheme; it was also necessary to demonstrate harm. An internal research paper was prepared by Newport Council's planning team to evaluate any evidence of harm caused by concentrations of HMO's within the city. The number of HMO's was compared to the actual number of households within a defined geographical area, namely lower layer super output areas (LSOA), which are used for the Census (Beechwood W01001612). Information was pulled together relating to complaints linked to licenced HMO's and crime rates within these areas. The LSOA of Beechwood is ranked 12th in terms of the HMO concentrations out of the whole of Newport, 10th in terms of complaints received and 29th in terms of recorded crime. It is considered that this evidence does not suggest that the granting of planning permission would lead to an over concentration of HMOs to the detriment of the residential character and social cohesion of the area.
- 7.6 The site is located on St Johns Road, a residential road with a 30mph speed limit. The site has no off-street parking and therefore no vehicular access. The site is located in Parking Zone 3 which will require that 1no parking space per bedsit and 1no visitor space per 5no units is provided to comply with Newport City Council SPG Parking Standards (August 2015). The proposed HMO will accommodate 6no bedsits generating a parking demand of 6no spaces + 1no visitor space, a total of 7no spaces. The existing dwelling generates a parking demand of 3 spaces and therefore there is a parking shortfall of 4no parking spaces which is unacceptable. The Council's Highways Officer advised that the applicant could consider providing a parking survey carried out by a competent professional in accordance with the Lambeth Methodology to mitigate the shortfall of 4no parking spaces created by the development. The applicant will be required to provide cycle parking in accordance with Newport City Council SPG Sustainable Travel (July 2020) which requires that 1no secure and covered cycle parking space is provided per 2no bedrooms. A total of 3no cycle spaces will be required which should be shown on a drawing and submitted for approval. The Council's Highways Officer therefore offered an objection to this application on highway grounds but would be prepared to revise this decision subject to the applicant providing additional information to address the above issues. The applicant subsequently submitted a parking assessment and amended plans showing a cycle store. Following submission of the parking survey, the Highways Officer confirmed that the survey demonstrates on street capacity exists to satisfy the SPG parking requirements. Officers have undertaken their own evening site visits which also showed that roadside parking was available.
- 7.7 It is worth noting that an appeal, ref no. APP/G6935/A/19/3226311 (Our Ref;18/1161), was recently allowed at 221 Chepstow Road for a change of use of a 4no bedroom dwelling to a 6no bedroom HMO. This property is located within 100m of the application site. It was considered that 221 Chepstow Road like 14 St Johns Road, is located within a sustainable location and is within walking distance of both the Beechwood and Maindee District Centres which offer a broad range of facilities and services. It is also well-served by public transport services and local employment opportunities. Therefore, people choosing to live in the area would not necessarily be dependent on use of a private car and the proposal would not conflict with the aspirations of national policy for a modal shift towards increased walking, cycling and the use of public transport.
- 7.8 In terms of the history of the site, it is understood that the property was licensed and occupied as a 6no bedroom HMO between 2015 and 2020. At the time the license was approved, it appears as though the use as a HMO did not require planning permission as it pre dated the current regulations that were introduced in 2016 containing a new C4 use class. Following the introduction of these regulations, planning permission would have been required however it was never sought and no enforcement complaints were received regarding the property during this time.

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

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

8.2 ***Equality Act 2010***

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

8.3 Having due regard to advancing equality involves:

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

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

8.4 The above duties have been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

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

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

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

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

9. **CONCLUSION**

9.1 It is not considered that the proposal would result in a harmful level of overconcentration of HMOs within the area, or have an adverse impact on the character of the area. Whilst the proposal would increase parking demand at the property, it is considered that there is no demonstrable harm as a parking survey has been submitted to demonstrate that there is adequate provision on street. It is therefore considered that the proposal complies with policies GP2, GP4, GP6, H8 and T4 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

10. **RECOMMENDATION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Existing and Proposed Plans Drawing No.2021-001 Rev B Received 07/01/2022.

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 property shall have a maximum of six bedrooms and a maximum of six occupants.

Reason: To protect the amenity of adjoining occupiers and in the interests of highway safety, in accordance with policies GP2 and GP4.

03 Prior to the first beneficial occupation of the ground floor rear bedroom, the existing door in the rear elevation shall be replaced with a window as per the approved plans and be retained as such.

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

NOTE TO APPLICANT

01 This decision relates to plan Nos: Existing and Proposed Plans Drawing No.2021-001 Rev B Received 07/01/2022.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2 (General Amenity), GP4 (Highways and Accessibility), GP6 (Quality of Design), T4 (Parking) and H8 (Self Contained Accommodation and Houses in Multiple Occupation) were relevant to the determination of this application.

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

04 No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

2.

APPLICATION DETAILS

No: 21/0988 **Ward:** Marshfield

Type: Full (Major)

Expiry Date: 15th February 2022

Applicant: N Williams

Site: Plot 1 And Plot 5 Imperial Way Celtic Way Newport NP10 8BE

Proposal: **CONSTRUCTION OF A TWO STOREY MANUFACTURING AND RESEARCH AND DEVELOPMENT FACILITY, 4 STOREY ADMINISTRATION OFFICE, LINKED ATRIUM SPACE, EXTERNAL NITROGEN AND OXYGEN STORAGE FACILITY, CAR PARKING, SUSTAINABLE DRAINAGE, HARD AND SOFT LANDSCAPING (INCLUDING GABION RETAINING WALLS), ACCESS GATES AND ASSOCIATED WORKS**

Recommendation: **DELEGATED AUTHORITY GIVEN TO THE HEAD OF REGENERATION, INVESTMENT AND HOUSING TO ISSUE A DECISION TO GRANT WITH CONDITIONS SUBJECT TO SECTION 106 LEGAL AGREEMENT (WITH DELEGATED AUTHORITY TO REFUSE FOLLOWING FAILURE TO AGREE LEGAL AGREEMENT) AND ON RECEIPT OF NO OBJECTION FROM NATURAL RESOURCES WALES**

1. INTRODUCTION

1.1 This is a full planning application for the construction of a two storey manufacturing and research and development facility with four storey administration office and associated external infrastructure at Plot 1 and 5, Imperial Way in the Marshfield ward. The application is being considered at Planning Committee as the application would amount to major development based on the floor space of the proposed building and site area.

- 1.2 The following designations and constraints apply to the application site: -
- Within 'Urban boundary;
 - Previously Developed Land/Brownfield;
 - Allocated Employment Land (EM1);
 - Parking Zone 5;
 - Duffryn Pond 1 Site of Importance to Nature Conservation (SINC) (South of Plot 5);
 - Duffryn Pond 2 Site of Importance to Nature Conservation (SINC) (South of Plot 1 beyond highway);
 - Archaeologically Sensitive Area (30m South of site);
 - Wentlooge Levels- Special Landscape Area (SLA) (360m South);
 - Gwent Levels- Site of Special Scientific Interest (SSSI) (350m South);
 - Nearest Residential Properties – 300m to South East- Powis Close and 400m to North East - Heol Edmundsbury.

2. RELEVANT SITE HISTORY

16/0314	EIA screening for provision of Industrial units B1, B2 and B8 use	EIA not required
15/0425	EIA screening for provision of Industrial units B1, B2 and B8 use	EIA not required
13/0528	Partial discharge of condition 1 (travel plan) of planning permission 12/0817 for retention of 2no.	Approved

	Car parks (total 160 spaces) in association with use of business park	
12/0817	Retention of 2no. Car parks (total 160 spaces) in association with use Of business park	Granted with Conditions
97/0224	Partial discharge of condition 026 – car parking provision for LG imperial park - relating to planning permission 96/0663/OE	Approved
97/0258	Discharge of reserved matters - in respect of siting design and external appearance of Semi conductor plant (10 buildings) - relating to planning permission 96/0663/OE	Approved with conditions
96/0663	Construction of an integrated plant for the manufacture of television monitors colour picture and colour display tubes other Electronics equipment (LG electronics inc.) A Wafer fabrication and assembly plant (LGsemicon co ltd) including ancillary Buildings and uses and associated buildings, Engineering and other operations and Landscaping (class B2 of the town & country Planning (use classes) order 1987) involving- The diversion of public footpaths 7 and 8 and the stopping up of public highways Celtic way and Dyffryn lane)	Granted with Conditions

3. POLICY CONTEXT

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

3.1.1 Strategic Policies

SP1 Sustainability
 SP2 Health
 SP4 Water Resources
 SP9 Conservation of the Natural, Historic and Built Environment
 SP17 Employment Land
 SP18 Urban Regeneration

3.1.2 General Policies

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

3.1.3 The Natural Environment

CE1 Route ways, Corridors and Gateways
 CE6 Archaeology
 CE8 Locally Designated Nature Conservation and Geological Sites

3.1.4 Employment

EM1 Employment Land Allocations

3.1.5 Parking and Waste

T4 Parking
 T5 Walking and Cycling

3.1.6 **Adopted Supplementary Planning Guidance (SPG)**

The following SPG documents are considered to be relevant to the redevelopment of the site:

- Parking Standards
- Sustainable travel
- Wildlife and Development
- Trees, Woodland, Hedgerows and Development Sites
- Air Quality
- Archaeology and Archaeologically Sensitive Areas SPG
- Waste Storage and Collection

3.2 **Planning Policy Wales:**

- 3.2.1 National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.
- 3.2.2 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.
- 3.2.3 Paragraph 5.4: 'For planning purposes the Welsh Government defines economic development as the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes'.
- 3.2.4 Paragraph 5.4.2 Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction, energy, minerals, waste and telecommunications sectors are also essential to the economy and are sensitive to planning policy. This section focuses primarily on traditional employment land uses (B1, B2 and B8) while policies on other economic sectors are found elsewhere in PPW.
- 3.2.5 Paragraph 5.4.4: 'Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration; Sites identified for employment use in a development plan should be protected from inappropriate development.
- 3.2.6 Para 5.4.16: 'Economic clustering typically occurs when businesses from the same or similar industry, or with a common interest, choose to locate in close proximity for mutual benefit. Often, clustering concerns high technology, innovative or research and development based companies, but may also include finance, food and media businesses, or supply industries serving larger manufacturers. Businesses can benefit from shared facilities, infrastructure, local pools of skilled and qualified labour, common supply chains and links to higher education.

3.3 **Technical Advice Notes:**

- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 18 – Transport
- Technical Advice Note 23 – Economic Development (2014)

It should not be assumed that economic objectives are necessarily in conflict with social and environmental objectives. Often these different dimensions point in the same direction. Planning should positively and imaginatively seek such 'win-win' outcomes, where development contributes to all dimensions of sustainability.

Where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. There will of course be occasions when social and environmental considerations will outweigh economic benefit. The decision in each case will depend on the specific circumstances and the planning authority's priorities.

It is a central objective of the planning system to steer development to appropriate locations. Therefore, where a proposed development would cause unacceptable environmental or social harm, demand should be steered to an alternative location, unless the harm is outweighed by the additional benefit of development at the original site in question. Such alternative locations will not necessarily be in the same local authority area.

The TAN does not override any environmental legislative requirements that may apply to a particular site.

3.4 Future Wales: The National Plan 2040

3.4.1 Future Plan Wales is our national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. The Plan is the highest tier of development plan, focussing on issues and challenges at a national scale leaving the LDP to identify local constraints and proposals. The 2 Plans should conform with one another and direct the plan-led planning system. Future Wales' 11 Outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

The Policies set out in the Plan that are considered most relevant to this application as follows:

- Policy 1 & 33 identifies Newport as a national growth area for housing and employment opportunities and investment in infrastructure.
- Policy 13 (supporting digital communications) states new developments should include the provision of Gigabit capable broadband infrastructure from the outset.
- Policy 16 (Heat Networks) states new developments of 100 or more dwellings or 10,000sqm or more of commercial floorspace should consider the potential for a heat network.

4. CONSULTATIONS

4.1 SENIOR FIRE PREVENTION OFFICER ARCHITECTURAL LIAISON OFFICER: The proposed site plan in relation to the above has been examined and the Fire and Rescue Authority wish the following comments to be brought to the attention of the committee/applicant. It is important that these matters are dealt with in the early stages of any proposed development. 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.

4.2 GWENT POLICE: No response.

4.3 DWR CYMRU WELSH WATER:

SEWERAGE

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

Surface Water Drainage

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

Conditions

If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Welsh Water. Please

note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted.

Reason: To protect the integrity of the public (sewer/sewers) and avoid damage thereto, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.

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

No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

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

Advisory Notes

The applicant is advised that some public sewers and lateral drains may not be recorded on our maps; some sewers 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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The applicant may also 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

4.4 NATURAL RESOURCES WALES:

Initial Response

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding EPS – Great Crested Newts, Dormouse and Water Voles. If this information is not provided, we would object to this planning application. Further details are provided below. We also advise that based on the information submitted to date, a condition regarding protected sites should be attached to any planning permission granted. Without the inclusion of this condition we would object to this planning application.

Further information required

European Protected Species (EPS)

We have reviewed the following information submitted in support of the application:

- SPTS Technologies - Imperial Park, Duffryn, Preliminary Ecological Appraisal (PEA) - Plot 1, Rev: P01, prepared by Capita, dated July 2021
- SPTS Technologies - Imperial Park, Duffryn, Preliminary Ecological Appraisal (PEA) - Plot 5, Rev: P01, prepared by Capita, dated July 2021. • SPTS Technologies – Imperial Park (Plots 1 & 5), Newport, Water Vole Survey Report, REV: P01, prepared by Capita, dated October 2021.

In addition, we note the following ecological information submitted in support of application CONNEX/21/0976:

- Vantage Data Centers Cable Connection – Ecological Impact Assessment by Atkins Limited, dated September 2021.

Existing habitats on the two plots include (but are not limited to) semi-natural broadleaved woodland, dense/continuous scrub, scattered trees, tall ruderal vegetation, grassland, and standing water.

From the above ecological information by Capita we note that between the two plots, one waterbody has been surveyed for great crested newt presence using Habitat Suitability Index and environmental DNA testing: the pond within Plot 5. The non-technical summary for the Plot 1 PEA states that further surveys (eDNA and HSI) of ponds within 500m will be required in order to establish the presence or likely absence of great crested newts on site. However, this recommendation is absent from section 6 (Recommendations for further survey, mitigation, and enhancement) of the report.

The possibility of dormouse presence on site has been discounted despite the PEA for Plot 5 stating that suitable habitat exists within the plot. In addition, the habitat description within both PEAs indicates that semi-natural broadleaved woodland and dense scrub, habitat types which could support dormice, are present at both plots. We wish to note that dormouse surveys are ongoing as part of application CONNEX/21/0976 involving cable trenching on land adjacent to Plot 5, and have in fact already evidenced dormouse presence.

We note that the PEA for Plot 5 indicates signs of likely water vole presence were found during the preliminary assessment, and that further survey for the species is recommended, although no detail of the level or nature of the proposed survey is given within the document.

Bats are assumed to be using the site for foraging and commuting. Generic measures aimed at restricting disturbance to the species are stipulated within the PEAs.

The PEA report for Plot 5 states that the pond and associated dense scrub has potential to support feeding and resting otters, yet deems it unlikely that otters use the pond or other habitats on site, and posits that no suitable habitat for a natal holt is present. Generic harm avoidance measures have been outlined in the PEA report.

European Protected Species – Legislation and policy

Great crested newts, bats, otters, dormice, and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where these species 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, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- ii. There is no satisfactory alternative; and
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

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 European Protected Species on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Water Voles - Legislation

Under Section 9 of the Wildlife and Countryside Act 1981(as amended) it is illegal to:

- Intentionally kill, injure, or take any wild water vole. 9(1)
- Intentionally or recklessly damage or destroy, any structure or place which any wild water vole uses for shelter or protection. 9(4)(a)
- Intentionally or recklessly disturb any such animal while it is occupying a structure or place which it uses for that purpose. 9(4)(b)
- Intentionally or recklessly obstruct access to any structure or place which any wild water vole uses for shelter or protection. 9(4)(c)

The presence of a protected species is a material consideration.

NRW advice on the application

We advise that additional information is sought from the applicant in order to determine the potential impacts of the scheme upon great crested newts, dormice, and water voles.

Great Crested Newts

As stated above, to date only one waterbody within 500 metres of the plots has been subject to Habitat Suitability Index and environmental DNA testing for great crested newt presence. The PEA for Plot 1 recommends further surveys (eDNA and HSI) of ponds within 500m of the site. We advise these surveys are completed according to best practice guidelines, and the results submitted to the LPA prior to determination of the application. Should a positive eDNA sample be obtained, we note that further survey using traditional survey methods (bottle trapping/ torching) will be required.

We advise that HSI assessment and eDNA surveys of all ponds within 500 metres of the site are undertaken, and the survey results and any necessary mitigation proposals are submitted to the LPA as part of the application

Dormice

As indicated above, dormouse surveys are ongoing as part of application CONNEX/21/0976 on land adjacent to Plot 5 and in the wider area to the south, and dormouse presence has been established. Habitats suitable for supporting dormice (semi natural broadleaved woodland and dense scrub) are present at both plots. As a result of dormice having been confirmed to be present at the cable trenching route, we advise the applicant submit a dormouse conservation strategy, which sets out the likely impacts of the proposals to dormice and their habitats, and stipulates how adverse impacts on the species are avoided, reduced or off-set.

Water voles

We note from the above water vole survey report that feeding signs indicative of water vole presence were found on site. We therefore advise the applicant submit a water vole conservation strategy, expanding on the recommendations outlined in section 6 of the survey report, that sets out the likely impacts of the proposals to water voles and their habitats, and stipulates how adverse impacts on water voles are avoided, reduced or off set.

We recommend your Authority seeks further information from the applicant in the form of a Dormouse Conservation Strategy and a Water Vole Conservation Strategy, which includes (but is not limited to) the following:

- An assessment of the direct and indirect impacts of the proposal on dormice and water voles
- Details of protective measures to be taken to minimise, mitigate and/ or compensate for the impacts identified
- A plan showing habitat to be lost/ created/ retained/ enhanced, which should identify the extent and location on appropriate scale
- Proposals to maintain connectivity to the wider landscape
- Details of timing, phasing and duration of construction activities and conservation measures
- Details of initial aftercare and long-term maintenance of any created/ retained/ enhanced habitats
- Persons responsible for implementing the work

Condition

Protected Sites

The proposed development site is approximately 134m from the Gwent Levels - St Brides Site of Special Scientific Interest (SSSI).

The SSSI is notified for its range of aquatic plants and invertebrates associated with the interconnected reens and ditches of the drainage system. In summary, the special interests of the SSSI are dependent on the water quality, water quantity, the existence of the drainage system and its continued management. Any development which has an adverse impact on any of these factors will have an adverse impact on the wildlife for which the area was notified.

From the information provided, the location of the discharge point from the existing surface water drainage is not known, nor is it known whether the receiving watercourse is linked to the SSSI. There is the potential for the drainage network to be a pathway for pollutants from the site to the SSSI during construction.

For the operational phase of the proposed development the Lead Local Flood Authority (as cited in the Flood and Water Management Act 2010) is normally the appropriate body to provide advice on existing surface water flood risk and the management of surface water drainage from new developments. We refer you to your authority as the Suds Approval Board (SAB) for surface water requirements post development.

No development or phase of development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP should include:

- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.

- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of measures to ensure contaminants do not enter the existing surface water drainage network, emergency spill procedures and incident response plan.

- The CEMP should make reference to pollution prevention guidance PPG 6: Working at construction and demolition sites available from <https://www.netregs.org.uk/environmentaltopics/guidance-for-pollution-prevention-gpp-documents/guidance-for-pollution-prevention-> www.naturalresourceswales.gov.uk

www.cyfoethnaturiolcymru.gov.uk Page 6 of 6 gpps-full-list/. A link to this guidance should be included within the CEMP.

- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations. The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed and implemented for the protection of the environment during construction.

In summary, Natural Resources Wales (NRW) has concerns regarding the above application pending the provision of further information regarding protected species and the requested condition regarding protected sites. We would be pleased to review our position and provide further advice when consulted on the further information specified above.

Informative

Land potentially affected by contamination

Natural Resources Wales considers that the controlled waters at this site are not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Final Response – NRW reconsulted and awaiting final comments – To be included in late representation report if received prior to committee

- 4.5 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: No objection.
- 4.6 GWENT WILDLIFE TRUST: No response.
- 4.7 NEWPORT ACCESS GROUP: No response.
- 4.8 WILDLIFE IN NEWPORT: No response.
- 4.9 NEWPORT CIVIC SOCIETY: No response.
- 4.10 REGIONAL AMBULANCE OFFICER: No response.

5. INTERNAL COUNCIL ADVICE

- 5.1 THE HEAD OF CITY SERVICES (TREES): As previously discussed at a prior meeting - strong structural planting is much preferred in terms of ecology /amenity than sporadic tree planting amongst car parking spaces .
It adheres to the principles in the SPG (Trees and Development 2017) our Ecologist and Landscape Architect can comment on the tree/plant species and maintenance etc .
The only addition comment made (and again our Ecologist can comment on this) is that there should be more planting around the water areas.
- 5.2 THE HEAD OF CITY SERVICES (LANDSCAPE):

Final Comments

A revised scheme has been submitted for comments. The revisions relate to the external proposals with a significant change to the red line boundary and for all car parking to now be provided to the front of the proposed building.

The rationale for the changes are not clear, and were not raised in recent conversations with G L Hearn landscape architects working with Capita.

Comments on the revised scheme are set out below. This is a large scheme albeit in an employment area, but facing onto a sensitive landscape with no analysis of the visual impacts, and no landscape industry standard review of constraints, opportunities, or existing or proposed site analysis, which should inform the landscape design.

As previously commented, I have no objection to the building although I do still have concerns about the external proposals, layout, and landscaping. The landscape proposals are not clear with contradictory information submitted, in addition there is still no tree planting proposed to the sites southern perimeter.

Landscape and Visual Impact Assessment

The original submission included a Landscape and Visual Impact Assessment which was not industry standard, I had pointed out a number of errors and omissions and subsequent discussion with the applicant had led to an understanding that a revised Landscape and Visual Appraisal (LVA) would be produced by a qualified landscape architect with LVA experience. No LVA has been submitted with the revised application and it is not clear whether the original LVIA is classed as superseded (an LVA not LVIA is required as the scheme does not require an EIA).

My view is that for a building, external car park and drainage basin of the scale proposed, in the location at the current south end of the employment zone facing onto a sensitive landscape, a LVA should be requested to steer the external landscape design. View-points had been discussed in detail with Capita's landscape section: in addition to elevated land to the north, impacts should be reviewed from an elevated section of the Wales Coast Path, footpaths to the east of Marshfield, immediately adjacent residential, Sustrans route 88 and at the adjacent perimeter road.

The LVA should also review whether the proposed tree and shrub removal would open up views not only of the site but of existing buildings.

A previously raised concern is that the building articulation to the south elevation and roof apparatus is I think is a variation from the other large scale 'flat' elevations of the commercial buildings nearby. At a large scale, the articulation will have an impact on the appearance, drawing the eye to the building rather than having the opposite effect.

If the building cladding colour for the south elevation administration block is proposed in silver, this architectural choice may also potentially have landscape visual impact consequences eg result in glint and glare issues which will draw attention to the building rather than helping it visually recede.

If there is potential for early implementation of the structural landscape, away from car parking and buildings, this should be a key mitigation recommendation and shown on the Soft Landscape Proposals as phase 1 implementation.

Soft Landscape Proposals

A Soft Landscape Proposals plan has now been submitted, L001. This shows some detail, but is not sufficient to meet the requirements of a detailed planting plan. Comments are:

- The proposals are driven by ecological design and do not include analysis of or respond to landscape impacts, for example views into the site particularly from the adjacent perimeter road.
- The car park layout is now extended to the south to accommodate all parking, rather than a separate area to the east. The car park layout still shows two staff break-out areas in the middle, with a very narrow band of planting but

does now include tree planting. Tree species are not located on the plan and are required, at 10-12cmg they will have little immediate landscape impact. A section through planting to the break-out areas is required to show planting height and demonstrate there will be adequate tree root volume.

- There appear to be significant constraints to tree planting from service easements to the west boundary and south elevation, and potentially from visibility splays. It is not clear if these are existing or proposed constraints, ie whether there is scope for change, but the constraints should be identified, analysed, and clearly shown on the Soft Landscape Proposals.
- It is not clear why tree planting would be constrained within visibility splays as standard trees are clear stemmed to 2.1m and a hedge and bank is now shown.

The SUDs pond is shown full of water. The reality will be different - can the 'permanent water level' be clarified. Is the gate and path open to the public or is this for maintenance only? Is there no scope for native scrub or hedge planting to soften the fence line?

Cross section AA is misleading. The ornamental shrub planting specified is mostly 1m, maximum 2m height at mature stage and will not reach the 6m height shown. The fence line is not shown. It is not clear why there is not scope for informal tree planting groups within the native hedge or on the meadow slopes.

The tree schedule indicates 7no 10-12cmg trees, the summary table states 24no, the plan shows 51no. Please clarify.

There is no schedule to define planting to the 'semi-aquatic planting' type.

The 'seating area with possible fabric canopies' near the site entrance and the 'landscape hidden refuse compound' are not shown on the landscape plan.

Larger scale shrub/tree planting is shown on the site plan along the southern perimeter fence line but not carried through to the soft landscape plan.

It is not clear why there is a break in the mound and hedge to accommodate the ground maintenance storage area.

The perimeter fence line is not clearly shown on the soft landscape plan (likely a .dwg layers issue) but is **also not** shown on the sections.

The Soft Landscape Plan contained within the EclA does show marginal planting and mosaic planting detail and appears to be a later version than the main plan submitted with the same version number. Please clarify.

The extent and location of mosaic planting is unusual and will be in full public view

The image and planting mix do not match up, the mix contains shrubs (dogwood, hazel, elder, honeysuckle, sloe). These areas are very open to public view, behind a fence line, and as there is no detail on the shrub density other than 'scattered', this will likely offer no or very limited visual softening of the large car park and building elevations, and as all shrubs are deciduous views will be particularly open in winter months.

In summary

1. Amendments to ensure queries raised above are answered and to ensure there is consistency across the landscape information submitted.

2. A Landscape Visual Appraisal is still required to ensure the impacts are properly understood, and that mitigation measures are properly identified and carried through into the external layout and detailing.
3. A Green Infrastructure plan is still required with collaboration between the landscape architect, ecologist and arboriculturalist to show how the proposals contribute to and connect to the wider landscape from a screening and amenity and not solely from an ecological point of view.
4. Phased implementation of infrastructure planting is still to be reviewed and any potential clearly shown on the plans.
5. A revised soft landscape plan is required to show tree and hedge planting along the perimeter road fence line or to analyse and clearly show any constraints.
6. A detailed soft landscape plan could be conditioned.
7. A five-year maintenance and management plan for new and existing planting could be conditioned.
8. A detailed hard landscape and boundary plan with details is required and could be conditioned.
9. A soil resource plan is required and could be conditioned. This also relates to the EclA requirement for the soil seed bank to be conserved and re-used.

5.3 THE HEAD OF CITY SERVICES (ECOLOGY):

Final Comments

I am unclear whether the EclA Report dated January 2022 relates to the site before or after the red line boundary was amended, and similarly it is not clear whether the descriptions of the habitats present relate to the site before or after Plot 1 was cleared, as reported by Janine Burnham in her email of 05/01/22.

The Phase 1 Habitat Map dated Dec 2021 and uploaded onto our planning portal on 21/01/22 seems to show the habitats present before this clearance. Furthermore, I do not see that any Phase 1 Habitat Map is included in the Jan 2022 EclA Report. However, the habitat description in the EclA Report lists scrub as the predominant habitat on Plot 1, which seems to be at odds with the report of it having been cleared, bearing in mind that report included an image of a site cleared of all standing vegetation.

A series of mitigation, precautionary mitigation, compensation and enhancement measures are set out in the EclA Report. In theory, I support all of these proposals, but again there is no plan showing where these measures will take place. We are left to assume that they are reflected in the Soft Landscape Proposals diagram dated Jan 22, which in many cases is correct as I can see references on that diagram to wildflower, semi-aquatic and hedge planting, for example. My comment would be that there needs to be stronger links, in the form of diagrams, to show how the mitigation measures set out in the EclA Report are translated spatially into a landscape masterplan.

Therefore, I would advise that the EclA Report should include an up to date Phase 1 habitat map, and all proposed mitigation measures should be clearly illustrated on a plan of the proposed site, so that we can be sure that all impacts upon habitats have been recognised and that the proposed mitigation / compensation / enhancement measures have a clear spatial basis.

I note the comments provided by NRW in their email of 02/11/21, and I understand they have been re-consulted as a result of changes to the red line boundary and the habitat changes referred to by Janine Burnham in her email of 05/01/22. In my view, subject to the issues raised above, I am satisfied that any impacts upon dormice, otters, water vole, reptiles, great crested newts and the Gwent Levels SSSI will be avoided, mitigated or compensated for based upon the new red line boundary and the habitat clearance which has already taken place. However, NRW may take a different view and we have a duty to have regard to their views in many of these cases. For example, we should satisfy ourselves that in NRW's view either no offence in relation to European Protected Species would be committed by construction and operation of the proposed scheme, or if it would, that NRW would be likely to grant an EPS licence in order to allow the development to proceed.

Subject to the issues raised above, I think it likely that the mitigation measures set out in the EclA report will be acceptable, and in this event I would ask that they be secured by planning condition in respect of policies GP5, CE1 and CE8.

5.4 THE HEAD OF CITY SERVICES (ACTIVE TRAVEL/PUBLIC RIGHTS OF WAY):

Active Travel Comments

The design and access statement states that “It should be noted that due to the location of the site and building operational requirements, the car will form key mode of transport”. The Travel plan, however, acknowledges the high potential for journeys to the site by both walking and cycling based on journey times of a maximum of 30 minutes.

Therefore, it is important that the development incorporates features that further encourages sustainable means of transport to the site. The submitted travel plan outlines the measures that will be implemented to assist in this. The submission of the finalised, site specific travel plan should be conditioned so as to ensure it meets its proposed outcomes and timetable.

The Travel Plan outlines the number of cycle parking spaces that will be provided for both long and short term space which meets the requirements of the Sustainable travel SPG and so is supported. The cycle storage is also detailed within the travel plan as “secure cycle storage” with the General Arrangement detailing that this will be covered cycle storage. There are, however, no submitted designs of the cycle storage to confirm this and to establish whether other features such as lighting and CCTV will be utilised to enhance security. Further details should be submitted at the earliest opportunity.

Public Rights of Way

No comments

5.5 THE HEAD OF CITY SERVICES (HIGHWAYS):

Initial Response

Transport Assessment

For the purposes of obtaining baseline data the applicant undertook traffic surveys on the 30th June 2021. Traffic has been affected by the current Covid 19 pandemic however the applicant has utilised DfT data which shows that on the 30th June 2021 traffic levels were deemed to be at 97% when compared to pre Covid conditions. It is accepted that traffic levels fluctuate daily and therefore for the purpose of assessing the potential highway network impacts, the proposed baseline data is considered acceptable.

ATC's and surveys haven been carried out to assess the vehicle movements associated with the existing facility off Ringland Way. Whilst this information is useful in determining the existing vehicle movements associated with SPTS, it is the 'planning use' of the proposed buildings which is being considered, and therefore comparable TRICS data must also be provided.

Parking

In accordance with the Newport City Council Parking Standards, the following parking requirements must be met.

Parking zone 5/6 – non operational

Office – 1 space per 40sqm

High technical industry – 1 space per 20sqm

Industry – 1 space per 80 sqm

The applicant has demonstrated that in total the required number of spaces will be provided. What is however required is further information in regard to the parking provision associated with each plot or confirmation that parking will be shared overall in perpetuity.

Confirmation is required to demonstrate that the operational requirements are also being met for each plot.

Traffic generation

An uplift of 13% has been applied to the existing traffic data obtained from the existing facility at Ringland Way.

Based upon the information submitted, the proposal will result in an increase of 1 – 2% in peak hour traffic at the named junctions. When taking into consideration daily fluctuations in traffic, the increase is considered to be negligible. That being said, TRICS data must also be submitted for consideration and comparison as it is the use class which is being considered.

Layout

A stage 1 safety audit, including designer's response, must be submitted and take into consideration all access/egress points, and the signal controlled crossing.

Notwithstanding the above I would comment as follows:

Visibility splays must be submitted for consideration.

A new access is proposed onto South Lake Drive, historically this area is subject to particular high demand for on road parking which raises concerns over the potential for visibility and turning manoeuvres to be obstructed.

Within the TA it states that "at present the footway provision along Celtic Way terminates some 300m to the north of the site. There is however a proposal to provide an active travel route along the whole length of Celtic Way and this will link with National Cycle Network Route 88 (NCN88), which passes some 800m south of the site." Any improvements to route NCN88 will need to be considered by the Active Travel officer. That being said, the provision of a footway along Celtic Way to the A48 is considered necessary and therefore details of any proposals must be submitted or I must object to the application.

The proposed layout will encroach into the adopted highway to the north west of the proposed signal controlled crossing which would not be acceptable.

It's noted that it's intended for the service/loading yard to be one way. I would suggest that the proposed design of each access point will not prevent two way vehicle movements on and off Celtic Way and North Lake Drive resulting in the potential for vehicle conflict and obstruction at the detriment of highway safety.

The access to the service/loading yard on Celtic Way is in close proximity to the existing junction to the north. This raises concerns in regard to the potential for vehicle conflict at the detriment of highway safety.

The access to the service/loading yard onto North Lake Drive is located close to a bend where forward visibility is limited.

General

A condition requiring the submission of a CEMP is required which must include such details as:

- Construction vehicle routes
- Contractor compound
- Contractor parking

Wheel wash facilities
Dust suppression.

In addition to the information submitted as part of the CEMP, we will require a plan which shows the location of the contractor compound, turning facilities for deliveries and contractor parking. I'm satisfied that these details could be conditioned if the application were to be approved.

Any works within the adopted highway will require the applicant to apply for a S.111/278 agreement. No works can be carried out within the adopted highway until said agreements are in place and final approval has been given by the highway authority.

Suitable drainage measures must be put in place to prevent surface water run off onto the adopted highway.

Second Response

Transport Assessment

As requested in my previous comments, the applicant has now included TRICS data which is comparable to the trip data collected for the existing facility located off the SDR. I'm therefore satisfied that the traffic impact on the surrounding network will not be significant.

I'm satisfied that parking will be provided in accordance with the Newport City Council Parking Standards.

Safety Audit

A stage 1 safety audit has been carried out and a designers response has also been submitted. In regard to each point raised I would comment as follows:

Problem A - Restricted visibility toward the crossing may lead to pedestrian/vehicle collisions.

Agreed – In principal, amendments to the Gabion Wall could be sufficient to address the issue raised however details must be submitted for consideration. I would also suggest that any amendments should be passed back to the auditor for consideration in order to demonstrate that this matter has been fully addressed.

Problem B - Insufficient width of pedestrian facilities may lead to vehicle/pedestrian collisions.

The eastern side of the signal controlled crossing does not link into the wider pedestrian network and will only be of benefit to pedestrians accessing plot 5. In the interest of connectivity into the wider pedestrian network, a footway link must be provided on the eastern side. I would suggest that this would be best achieved by linking into the existing footway which terminates to the north of the signal controlled crossing.

Problem C - Lack of recognition of speed limits may lead to speeding.

This is outside the scope of the development and is a matter for the highways authority which has been passed to the relevant officer.

Problem D - Proximity of layby to the junction may cause conflicts between turning vehicles.

The lay by in question does not form part of the adopted highway. I also note that there is an existing access located in a similar to position to the proposed and therefore turning manoeuvres in this location would be expected.

Problem E - Restricted visibility out of the junction may cause overshooting collisions.

Agreed – details must be submitted for consideration. It should also be noted that a minimum 'X' distance of 2.4m would be acceptable rather than the 4.5m shown.

Problem F - Restricted visibility out of the junction may cause overshooting collisions.

Visibility is acceptable however It should also be noted that a minimum 'X' distance of 2.4m would be acceptable rather than the 4.5m shown. A condition should be attached to any approval stating that no structures and planting above a height of 600mm above carriageway level will be permitted within any visibility splay.

Problem G - Restricted visibility out of the junction may cause overshooting collisions.

Agreed – Details in regard to how this will be addressed must be submitted for consideration. As previously stated an 'X' distance of 2.4m would be acceptable rather than the 4.5m shown.

Problem H - Restricted visibility to the Stop line at the entrance gates may lead to collisions.

Agreed – forward visibility details must be submitted for consideration and secured via condition.

Additional conditions/comments

No structures and planting above a height of 600mm above carriageway level will be permitted within any visibility splay.

As previously stated, any works within the adopted highway will require the applicant to apply for a S.111/278 agreement. No works can be carried out within the adopted highway until said agreements are in place and final approval has been given by the highway authority. The applicant must have also note that this must also include the submission of a stage 2 safety audit.

- 5.6 THE HEAD OF CITY SERVICES (DRAINAGE): No response.
- 5.7 THE HEAD OF CITY SERVICES (LEISURE): No response.
- 5.8 THE HEAD OF CITY SERVICES (WASTE): No response.
- 5.9 THE HEAD OF REGENERATION AND REGULATORY SERVICES (CONSERVATION OFFICER): No objection.
- 5.10 THE HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH – NOISE AND NEIGHBOURHOOD): The site is not in close to residential noise/vibration sensitive receptors but there is still potential for environmental impact given the size of the development.

The applicant has submitted a draft CEMP that seems to cover adequately areas of concern.

There is proposed rooftop plant but no information has been provided assessing the potential noise impact from plant / equipment.

I therefore recommend that in order for this section to make an informed comment the applicant should be requested to provide further information assessing the noise impact of the external noise sources on the proposed residential

accommodation. The report should include, if appropriate, measures to be taken to mitigate excess noise impact.

The report should be prepared by a person with appropriate acoustic qualifications and should be with full regard to all relevant guidance including BS8233:2014 - Guidance on Sound Insulation and Noise Reduction for Buildings and BS4142:2014 Methods for rating and assessing industrial and commercial sound.

The lighting information is sound and should be sufficient for the development.

I do not have any objections in principle, and do not offer any objections to the application and suggest the following should you be mindful to grant the application.

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment.

Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration.

External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Notes Reduction of Obtrusive Light'. Lighting should be minimized and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting,

Prior to commencement of the development hereby approved, a construction management plan] shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, pest control, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 - 1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

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

5.11 THE HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH – AIR QUALITY AND CONTAMINATION): I have had a chance to look at the AQA submitted in respect of the above development site.

In respect of any construction phase where approval for development is granted, routing of traffic must be agreed with the LPA prior commencement of works such that a routing plan that avoids AQMAs is used for all construction traffic during this phase. The imposition of a construction environmental management plan by condition if not already asked for should address fugitive dusts from construction work. The dust mitigation measures identified in Table 20 of the AQA must also be implemented as part of any permitted development.

It is noted that the operational phase will include four centralised gas boilers and it is desirable that these should be zero or low emission boilers if at all possible given the importance of the climate change challenges we all face and the additional emissions these will represent irrespective of air quality assessment outcome as it relates to LAQM. A robust rationale for not selecting a zero/low emission option for heating services should be provided if not already done.

It is welcomed that where any development take place mitigation measures are proposed which will make a contribution towards improving local air quality e.g. a travel plan which promotes walking and cycling routes for staff, and 10% of the total parking bays having dedicated EV charging point.

I am still supportive of the idea of a joint s.106/sponsorship contribution from both the Data Centre developer and this developer in respect of air quality monitoring in the locality for which they would be able to access the data obtained via Environment & Community. The joint sum sought would be £5000 from each i.e. a total contribution of £10000. This would provide real time analysis of prevailing air quality (NOx and particulates) and web based access to data obtained, which would form an integral part of the councils updating of the local air quality management programme.

Subject to the above I do not raise any objections on the grounds of air quality in respect of this application.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 100m of the application site were consulted (19no. properties), a site notice displayed and a press notice published in South Wales Argus. No objections have been received.

6.2 COUNCILLORS: All ward councillors were consulted and no responses received.

6.3 COEDKERNEW COMMUNITY COUNCIL: No response received.

7. ASSESSMENT

7.1 Site Description

7.1.1 The site is located within the south of Imperial Park and is approximately 4.2 hectares in size, although initially proposed as being larger the site area has been reduced during the course of the application. The site has commercial history, which is part of the Celtic Springs industrial estate and the surrounding site was part of the LG electronics development but now forms the Vantage Data Storage site. It is split into two adjacent plots (known as Plot 1 and Plot 5) located either side of the newly adopted South Lake Drive. Plot 1 is previously developed, and largely comprises of a car park/hardstanding and some low lying or self-seeded scrub. Plot 5 is less developed and is also covered by low lying self-seeded scrub with heavy tree vegetation to the boundaries with Salt Lake Drive.

7.1.2 The site is bounded to the east, south and west by highways and to the north is another industrial plot and building, IQE Newport. Beyond the highway to the east is a two-storey data centre which is under construction, beyond the highway to the south is a SINC and beyond the highway to the west is further industrial use. Directly to the south of Plot 5 is a wooded area, SINC and open landscaped area, which will be under the ownership of the applicant. The applicant is undertaking the process of purchasing all land to which the application relates to from Welsh Government, with the transaction due to be completed by the end of February/start of March 2022.

7.2 Overview and Background of the Proposal

7.2.1 The proposal is for a new headquarters for SPTS Technologies Ltd, who currently operate out of a site located just off Ringland Way, Newport. SPTS manufacture and sells semiconductor capital equipment, which provides the solutions needed to deliver the next generation of technologies for the semi-conductor and microelectronics industry and have been recognised by Welsh Government and given Anchor Company status, for increasing jobs and growing the economy. However, owing to that growth it is forecast that SPTS will outgrow this existing site by mid-2023 and the proposed headquarters would facilitate expansion and include a large manufacturing and research and development administrative building. SPTS currently have an off-site storage facility 4 miles from their main site and this proposal would rationalise the operation to one larger and more sustainable site. SPTS has 590 staff globally with 360 based in the Newport, Wales HQ and the proposed HQ facility will accommodate 460 staff initially, with it being designed to accommodate 650 staff in total based on future growth projection over the next few years.

7.3 Description of the Development

7.3.1 The application proposes a part two storey and part four storey building for manufacturing and administration, which will have an internal gross floor area of 15,043sqm. The building would be rectangular in shape with the emphasis on the width rather than the depth and will facilitate a narrower but taller element to the front (south facing) and shorter but wider building to the rear (north facing). The two-storey element located to the rear and will contain the manufacturing processes of the business and the four storey element will be the 'front of house', containing the administrative office space, meeting and staff training rooms, canteen and café and staff welfare facilities.

7.3.2 SPTS have an ambition to be as energy efficient as possible, which aligns with the project brief to achieve a rating of Excellent in BREEAM certification for sustainable developments. As the proposal is a new HQ development for a world-renowned technology company that supplies the manufacturing tools for the world micro-processor producers the design brief was based around creating a bold architectural statement. The two mass forms of the manufacturing and administrative buildings are differentiated by the use of contrasting colours and textures. The 'front of house' administration block will have a maximum width of 93.7 metres, maximum depth of 24.1 metres and height of 17.0 metres to the parapet and will be a bold architectural statement using a mix of high-quality cladding finish, with a polyester powder coated or anodized finished metal sheet/cladding panel being used. The building will be of a contemporary appearance incorporating flat metallic silver and semi-matt black perforated rain screen panels, a large expanse of glazing and polished metal brise-soleil throughout. The manufacturing building is 2.0 metres lower measuring a height of 15.0 metres, maximum width of 135.0 metres and maximum depth of 34.5 metres. It will be finished in a dark grey matt sheeting, in a contrast to the administrative building. To the rear a 'floating canopy' extends along the façade which will be glazed and is clad along the perimeter edges with translucent sheeting.

7.3.3 408 parking spaces will be provided to accommodate staff, including accessible bays, electric car charging bays, motorcycle and cycle parking facilities. A 2.4m weld mesh

security fence will be installed to the site's perimeter, with swale features and gabion wall treatments also proposed to the southern and eastern site boundaries. In order to gain access to and from the car park the site will be accessed by vehicles off Celtic Way to the west. The service yard to the northern end of the site will also be accessed off Celtic Way from the east, with service vehicles egressing onto North Lake Drive to the east.

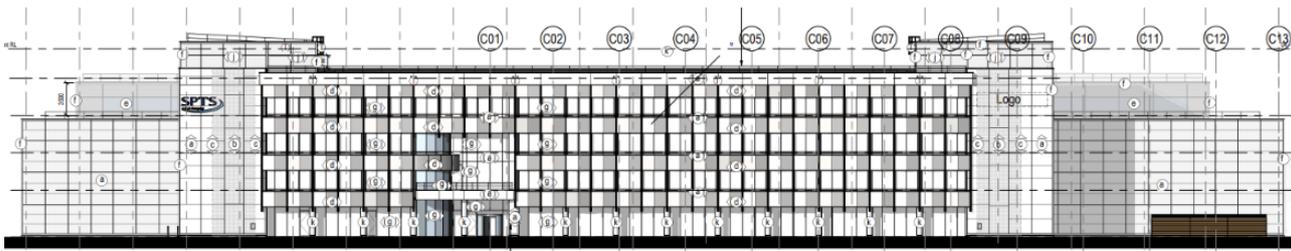
7.3.4 An extract of the proposed site plan and elevations of the proposed building as submitted are shown below;

Proposed Site Layout Plan

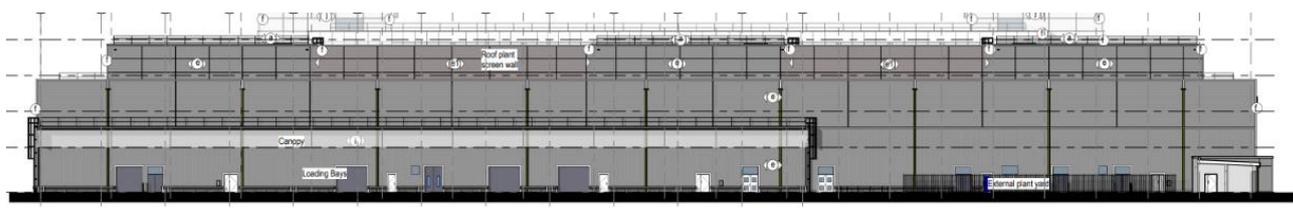


Proposed Elevations

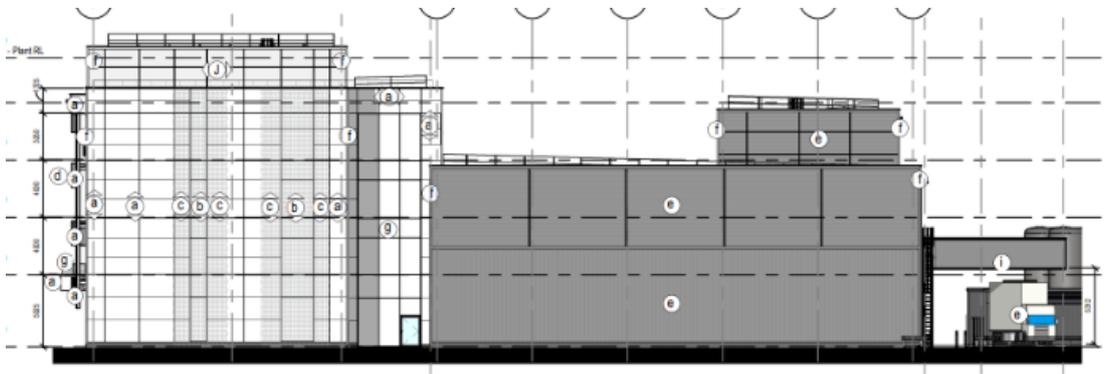
South - Front



North - Rear



East
=
Side



West - Side



Computer Generated Images





Principle of Development

- 7.4.1 The application site is an employment allocation and categorised as vacant brownfield land with a history of employment development.
- 7.4.2 The proposal would be classed as economic development and therefore in accordance with National Policy, the proposal is encouraged and supported as a development which would generate economic prosperity and regeneration. The proposal would see the development of a large section of the current development plan Employment Land Allocation EM1(i), resulting in a positive step towards achieving the current LDPs strategy. The proposal would support policy SP18- Urban Regeneration, which favours development that seeks business opportunities within the urban area and on vacant, underused or derelict land. The proposal is encouraged and supported at policy levels in terms of location and as a development which would generate economic prosperity and regeneration. However, as the proposal would see the relocation of the current base from the East of Newport, it is therefore important to understand the net benefit of the scheme, as outlined below;
- SPTS to outgrow existing site by mid-2023;
 - The relocation to this site would allow the existing work base of 360 employees to initially grow to 450 employees, with further expansion sought over the next few years rising to 650 jobs in total;
 - SPTS intend to expand and develop a further phase at Plot 5 in the near future (subject to permission), creating further jobs that would be relocated from existing European operations;
 - A Cardiff University study in 2019 suggested a forecast of 3.2 jobs to be created within the supply chain for every 1 of SPTS jobs.
- 7.4.3 Policy 16 of the Future Wales Plan 2040 requires that within priority areas for District Heat Networks, planning authorities should identify opportunities for District Heat Networks. As a minimum, planning applications for large scale development of over 10,000sqm of commercial floorspace should consider the potential for a heat network. A statement has been submitted by the applicant that addresses this policy and has considered the feasibility of the potential of a heat network and this would not be considered a viable option for this scheme. The statement does confirm however that the proposal is seeking to achieve a BREEAM Excellent rating to reduce carbon emissions and atmospheric pollution by encouraging local energy generation from renewable sources to supply a significant proportion of energy demand.
- 7.4.4 From consideration of various technologies Photo Voltaic cells have been incorporated into the design as there is a large amount of available roof space and a significant electrical load for the building, the use of 200 Sqm of PV will provide a solution for electrical generation. Together with improved building fabric thermal

performance, air tightness and passive solar control, integration of a low-energy strategy for the functional running of the building e.g. controls for lighting and heating and where feasible utilisation of rainwater harvesting for sanitary appliances and suitable process water functions. Overall, it is considered that the proposal complies with the requirements of this policy.

7.5 Visual Impact and Landscaping

- 7.5.1 Policies SP9- Conservation of the Natural, Historic and Built Environment, CE1- Route ways, Corridors and Gateways, GP1- Climate Change, GP2- General Amenity and GP6- Quality of Design of the Adopted LDP 2011-2026, seek to ensure that the development proposals are of a good quality of design and reflect the scale and context of the locality. Schemes should also be sensitively designed to mitigate any adverse impact upon the protected built environment (listed buildings and conservation areas), gateway routes through Newport and wider landscape features.
- 7.5.2 The visual impact of the scheme is primarily with respect to the scale and height of the proposed building, its siting and ground level infrastructure i.e. parking and how it will relate to the existing buildings within the industrial site as well as the protected countryside to the south.
- 7.5.3 The application site is split into two adjacent parcels of land referred to as Plot 1 and Plot 5. Plot 1 would include the building and service area, parking area and general infrastructure, where as Plot 5 has been revised during the course of the application and the final design includes only an attenuation pond, with the remainder outside of the red line site of this application, albeit earmarked for future development.
- 7.5.4 The proposed building is situated to the south east of the existing two storey IQE building and owing to its scale and height would have a marked impact upon the immediate landscape and would be visible from locations to the south and west of the site. However, the proposed building is designed as a modern employment building relating to the existing use and character that surrounds it. It is of a more functional appearance at the rear, with a contemporary and detailed aesthetic to the front. Located within an industrial park, there are a number of other large-scale buildings within the vicinity. An additional Data Centre has recently been approved (20/1176) and construction is underway at a height of 20.2 metres and width of 142m and is approximately 5.0 metres shorter than the existing Data Centre building. For context, the building proposed within this application would have a maximum height of 17.0 metres at the front with a lower element to the rear. It is therefore not considered that the scale is out of keeping with existing and recently approved buildings within the industrial park.
- 7.5.5 The Council's Landscape Officer has offered no objections to the proposed building, however, has raised concerns about the external proposals, layout and landscaping. A Landscape Visual Impact Assessment (LVIA) was submitted with the proposal however the Council's Landscape Officer does not feel that this adequately addresses the overall impact of the proposal. As such, it was recommended to employ a Landscape Architect to review the scheme and amend the submitted LVIA, strategic landscape proposals and to provide a detailed planting plan and maintenance and management plan. Whilst it is understood that the applicant has engaged with a Landscape Architect with regards to reviewing the above points, the Council does not have an amended LVIA before them. An updated landscape plan has been submitted, however this appears to be based more around the ecological requirements of the site, and will be discussed later within this report.
- 7.5.6 Based on the revised site layout and information provided throughout the course of the application, the Council's Landscape Officer has confirmed their view that for a building, external car park and drainage basin of the scale proposed, in the location at the current south end of the employment zone facing towards a sensitive landscape a Landscape Visual Assessment (not Landscape Visual Impact Assessment as no EIA is required) should be provided to steer the external landscape design. Whilst an LVA is desirable and recommended for a large-scale scheme such as this, it is not a statutory requirement and in lieu of this document, the LPA must make their own assessment along with considering the visual assessment initially submitted, albeit not to the Landscape Officers requirements.
- 7.5.7 The location of the site to the south of the existing buildings within the industrial park and its close proximity to adjoining roads means that the site would be more prominent within this immediate context. The site plan shows larger scale shrub/tree planting along the southern perimeter fence line, but the Landscape Officer has confirmed that this has not been

carried through onto the soft landscape plan and therefore, there is an inconsistency here. There is no reason to suggest that more substantial planting here and in other locations along the boundary could not be achieved in order to help screen to site and soften the boundaries at a more local context. Furthermore, the Landscape Officer has noted some inconsistencies in the number of trees proposed to be planted at the car park area and again details will be required to clarify this and to ensure consistency.

7.5.8 Officers acknowledge the concerns that have been raised by the Landscape Officer and share the view that inconsistencies need to be resolved and further detail for the soft landscape proposals are necessary in order to mitigate the visual impact at a more immediate context. However, as it is noted that there are no objections to the building itself, it is considered that in this instance the conditional regime can secure submission of further soft landscape details as well as a five-year maintenance and management plan to be agreed in writing with the Local Planning Authority that can help to mitigate impact within the immediate context of the site. This condition can also ask for details of phased infrastructure planting, for example around the site edges so that early implementation can be achieved, and planting given chance to flourish prior to use of the site. The conditional regime would also need to control details of the hard surfaces and boundary treatments of the site, a plan to demonstrate how the proposal contribute to and connect to the wider landscape from a screening and amenity point of view as well as an ecological point of view.

7.5.9 Overall, the main issues appear to be regarding the detail and consistency of the submitted information and how and when the soft landscaping of the site can mitigate the visual impact in the immediate context. The proposed building itself is acceptable and the wider visual impact is not considered to be an issue in principle and whilst materials etc. are yet to be finally agreed, there is a proposed condition that can control these. Officers consider that subject to the matters listed above being adequately controlled and agreed via conditional discharge, the impact on the immediate surrounding context would not be significantly harmful to visual amenity or the character and appearance of the surrounding area.

7.6 Trees and Ecology

7.6.1 The proposal initially included the removal of a semi-natural woodland within Plot 5 which acts as a buffer between the site and the SINC. However, as previously referred to during the course of the application amendments to the site layout have been made and the proposal now includes the retention of this area, which is a merit of the scheme. Of the original layout the Tree Officer raised no objections to the proposals. However now these trees are to be retained, it is considered necessary to ensure that details are agreed via pre commencement condition to ensure they are not impacted during construction works e.g. submission and implementation of tree protection plan/root protection barrier fencing and implementation of a watching brief during works.

7.6.2 Following initial consultation comments by the Council's Ecologist and Natural Resources Wales a revised Ecological Impact Assessment (EclA) has been submitted by the applicant, along with the following supporting documentation;

- Preliminary Ecological Appraisal (Plots 1 & 5);
- OMHPDL Priority Habitat Assessment;
- Water Vole Survey Report;
- Ecological Method Statement – Ground Investigation Walkover and Water Vole Survey;
- Reptile Survey Report;
- Breeding Bird Survey Report;
- Phase 1 Habitat Maps (Plots 1 & 5);
- Great Crested Newt Technical Note;
- Great Crested Newt Habitat Suitability Index (HIS) Report.
- Updated Soft Landscape Plan.

7.6.3 The aim of the EclA is to understand and provide information regarding the likely significant ecological impact associated with the proposed development to inform the planning process including;

- Provision of baseline information of ecological features on the site (e.g. habitats and species) within the site and zone of influence of the site;
- Determination of the ecological value of the identified ecological features;
- Identification and evaluation of the potential impacts, including any residual impacts of the proposed development on ecological features of value;
- Recommendations for mitigation measures to avoid or reduce the impacts; and
- Identification of any possible enhancements for biodiversity.

The information should allow the planning system to assess the following:

- The likely significant effects of the development on all important ecological features;
- If the proposed development is in accordance with relevant policies and legislations
- The planning conditions/ obligations to secure mitigation, compensation and enhancement.

7.6.4 Following receipt of the EclA and other associated documents and surveys and the amended site layout, both the Head of City Services (Ecology) and Natural Resources Wales have been reconsulted on the application. The Council's Ecologist requested clarification about when the EclA was undertaken as some site clearance has been undertaken during the course of the determination period of the application. The Ecologist has confirmed their support for the mitigation, compensation and enhancement measures that are set out within the EclA report, however has suggested that there should be stronger links, in the forms of diagrams, to show how these measures are translated spatially into the landscape plan. Following correspondence regarding this matter, the Ecologist has confirmed that a suitably worded condition could be attached to any permission requiring these details are submitted to and approved in writing by the LPA. The Ecologist has confirmed that the mitigation measures as set out within the EclA report are likely to be acceptable providing they are secured via condition in respect of Policy GP5, CE1 and CE8. The Council's Ecologist is satisfied that any impacts upon dormice, otters, water vole, reptiles, great crested newts and the Gwent Levels SSSI will be avoided, mitigated or compensated for based upon the amended site layout and the habitat clearance already taken place. However has noted that NRW may take a different view and that the LPA have a duty to have regard to NRW's views in many of these cases.

7.6.5 Within the initial response NRW stated that great crested newts, bats, otters, dormice, and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where these species 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, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- ii. There is no satisfactory alternative; and
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that a Local Planning Authority should not grant planning permission without having

satisfied itself that the proposed development either would not impact adversely on any European Protected Species on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

7.6.6 As outlined previously within the report, the site is allocated for employment use within the Local Development Plan and the development will bring significant economic and social benefits to the city, as well as providing ecological enhancement at the site. It is therefore considered that in line with TAN5 the LPA is satisfied that the justification for granting an NRW licence is to be met.

7.6.7 Whilst at the time of writing this report NRW have not yet provided comments based on the reconsultation and are unlikely to do so prior to the planning committee taking place these are expected shortly after. Having reviewed the information resubmitted and the comments provided by the Council's Ecologist it is considered that there is a reasonable chance that the initial concerns will be satisfied. It is therefore requested that the Planning Committee delegate authority to the Head of Regeneration, Investment and Housing to determine the application on the basis that Natural Resources Wales does not object (and/or if minor issues are identified, officers will address these with the applicant). However, if NRW raise and maintain an objection, the application will be reported back to the Committee.

7.7 Impact upon nearest residential properties

Building

7.7.1 There are no immediate residential neighbours to the site that would give rise to any concerns of neighbours impacts. The nearest neighbours are Powis Close to the South East at a distance of approximately 300 metres and to North East Heol Edmundsbury at a distance of approximately 400 metres. Both are separated by existing employment uses, roads, established vegetation and landscaping.

7.7.2 As such, despite the large scale and height of the building there are no significant concerns with respect to the building being overbearing, impacting upon privacy or resulting in a loss of light to the nearest residential amenity.

Use

7.7.3 As well as the physical proximity of the building, the LPA must also consider the operational impacts of the use. The staff numbers whilst significant would be expected to predominantly access the site via the A48 and Celtic Way, which are highly accessible and would avoid existing residential areas, as would any associated commercial vehicles. The car parking provision at the site will be considered later on within this report in line with the relevant policy, however the proposal would not be considered to result in any adverse on residential amenity in relation to this, by way of overspill for example. The four storey aspect of the building will house administrative areas that would not result in any disturbance and the manufacturing works are within the rear of the building and enclosed. As such, the general use of the building would not generate unsociable noises, odours or disturbance from coming and goings that would adversely impact upon residential amenity.

Noise

7.7.4 The proposal is not considered to result in any noise impact that would raise concern with regards to residential amenity. A large part of the operation is administrative and research and development and the manufacturing process is contained within the building to the rear. However, one generator is proposed at ground floor to the rear and plant equipment is proposed on the roof. The Head of Law and Regulation (Environmental Health) has reviewed the application and confirmed that the site is not close to any sensitive receptors but still has potential for environmental impact given its size. It has been requested that a noise assessment is secured via planning condition to include any mitigation that is appropriate. The Environmental Health Officer requested this condition as a 'pre

commencement' however it is not considered that this information would be necessary or reasonable to request prior to any commencement of development on site. As such, it is considered reasonable that the noise assessment report and proposed mitigation (if necessary) is provided prior to the installation of such plant equipment.

Light

- 7.7.5 The scheme includes external lighting proposals, which are developed to sufficiently light the internal car park and pedestrian routes within the site. Environmental Health have requested a condition controlling the lamination levels of such lighting proposals in order to protect amenity of neighbouring occupiers. The site plan has been amended during the course of the application and whilst the proposed lighting is likely to be acceptable in principle, the plan has not been updated to reflect the new parking layout and as such this will need to be secured via conditional discharge.

Air Quality

- 7.8 An Air Quality Assessment has been submitted as part of the proposals, taking into account the construction phase effect and operational development. It has been concluded that the development is predicted to have a negligible impact and as such the proposals would not have a significant impact on air quality. Mitigation measures have been set out within Section 7 of the report and the Head of Law and Regulation (Contamination and Air Quality) has confirmed that such measures will make a contribution towards improving local air quality e.g., a travel plan which promotes walking and cycling routes for staff and 10% of parking bays having a dedicated Electric Vehicle charging point.
- 7.8.1 The Head of Law and Regulation (Air Quality) has requested the imposition of a condition regarding routing of construction traffic during the construction phase of the development to avoid Air Quality Management Areas (AQMAs) and this is considered to be a reasonable request. However, the request for a financial contribution via a Section 106 agreement towards air quality monitoring within the area is not considered to be reasonable and will not be sought by the LPA. A Section 106 Agreement can only be sought when it would be necessary to make a development acceptable in planning terms, would be directly related to the development and would be fairly and reasonably related in scale and kind to the development. The site is not located within an AQMA or an Air Quality buffer zone and the Air Quality Assessment has concluded that the proposal would not have a significant impact on air quality. Therefore, it would not be considered that seeking a financial contribution towards air quality monitoring would be reasonable or necessary in this particular instance.

Construction Environmental Management Plan

- 7.9 The application has been submitted with an outline CEMP. The anticipated construction period whilst not confirmed within the CEMP is understood to commence during the second half of 2022, with an overall duration of up to three years. The CEMP outlines the general approach during construction towards matters of highway safety, noise and amenity and environmental contamination and pollution. Highways, Environmental Health, Ecology and Natural Resources Wales have not raised any issues in principle, however submission of a final CEMP will need to be made prior to commencement of development on site in relation to these matters.
- 7.9.1 It is proposed to attach two conditions relating to the submission of two CEMPS. The first CEMP would relate to highway safety and protecting nearby amenity, where as the second would be specific to the environmental matters raised by NRW, which are considered and outlined within the Land Contamination section later in this report.

7.9.2 Environmental Health have recommended the CEMP adopts the following restricted hours in relation to associated activities audible beyond site boundaries;

Monday to Friday 08:00am – 18:00pm

Saturday 08:00am – 13:00pm

7.9.3 However, the applicant has requested the following;

Monday to Saturday 07:00am – 19:00pm

7.9.4 Planning permission 20/1176 for the construction of two storey data centre buildings and associated works at a site directly to the east of the application site (which is currently under construction) restricted hours to those requested within this application i.e. Monday to Saturday 07:00am – 19:00pm. That site is approximately 60 metres closer to the sensitive receptors i.e. residential properties than this application site and Environmental Health agreed the additional hour either end of the day. The additional hours are particularly essential due to the current COVID restrictions and working arrangements to maintain social distancing and provide better flexibility during the project. These measures include staggering start times and lunch breaks and refining the construction programme to allow more space between contractors and activities on site. The Welsh Government has issued guidance to local planning authorities to support extended construction working hours to support the construction industry during the pandemic. It is also worth noting that the proposal includes no piling works for foundations which can cause noise nuisance. A condition controlling stricter hours of piling as advised by Environmental Health will be applied, to cover this in the event that the foundation method changes.

7.9.5 On balance, taking into consideration the above, particularly the distance of approximately 300 metres from the nearest sensitive receptors and what has been allowed on an adjacent site in closer proximity to these receptors it would be unreasonable to restrict hours over and above those previously approved.

Active Travel

7.10 The Sustainable Travel SPG states that proposed new development will need to take a holistic approach to consider how they link with their surrounding community and environment in a safe and sustainable way and all planning applications major development will need to set out how the proposed new development will link with its surrounding community and environment.

7.10.1 The Travel Plan acknowledges the high potential for journeys to the site by both walking and cycling based on journey times of a maximum of 30 minutes and it is important that the site incorporates features that further encourage sustainable means of transport to the site. Currently, the site has very limited dedicated pedestrian or cycle accessibility with the main access route along Celtic Way having a footway that terminates approximately 270 metres to the north of the site. The SPG states that in the event of there being a missing link outside of the control of the applicant, this should be identified and if it is considered essential to the proposed new development, and directly linked to the proposal then it might be appropriate for the Council to seek a planning contribution to complete the link.

7.10.2 Negotiation has taken place between the officer and the applicant during the course of the application, with the advice of the Active Travel Officer and the Council's project team being sought in relation to this matter. It has been concluded that the applicant is willing to enter a legal agreement to provide a financial contribution of £50,000 towards the provision of a new cycle and pedestrian route serving the development. At the time of writing this report, a Unilateral Undertaking had been drafted and sent to the applicant for review.

7.10.3 The proposed link would enhance sustainable access to the site for employees and is considered to be essential in order to make the scheme acceptable in relation to this matter and is a merit of the scheme. It is therefore considered that owing to this contribution being

agreed the proposal is compliant with the aims of Policies SP1, GP4 and T5 of the NLDP 2011-2026 (adopted January 2015) and the Sustainable Travel SPG (adopted 2020).

Land Contamination

- 7.11 The proposed development site is approximately 134m from the Gwent Levels - St Brides Site of Special Scientific Interest (SSSI). The SSSI is notified for its range of aquatic plants and invertebrates associated with the interconnected reens and ditches of the drainage system. In summary, the special interests of the SSSI are dependent on the water quality, water quantity, the existence of the drainage system and its continued management. Any development which has an adverse impact on any of these factors will have an adverse impact on the wildlife for which the area was notified. NRW confirm it is unclear whether the existing surface water drainage discharge point and the receiving water course is linked to the SSSI or whether there is a pathway for pollutants from the site to the SSSI during construction. However, have requested a pre-commencement of development CEMP condition that details pollution prevention and general site management, which is considered necessary and is included within the conditions regime.
- 7.11.1 NRW do not consider that controlled waters at this site are of the highest environmental sensitivity and therefore do not require detailed site specific advice or comments with regards to land contamination issues for this site. The Head of Law and Regulation (Contamination and Air Quality) has also not raised any concerns with regards to land contamination.
- 7.11.2 It is considered that the proposal is compliant with Policies SP4, GP5 and GP7 of the NLDP 2011-2026 (Adopted January 2015).

Parking, Access and Highway Safety

- 7.12 The proposed building would be a mix of B1 (Business) and B2 (General Industrial) use class. Welsh Government Technical Advice Note 18 Transport states that planning applications for industry development with a gross floor area of greater than 5,000m² should be accompanied by a Transport Assessment due to the likely scale of vehicle trips generated.
- 7.12.1 A Transport Assessment undertaken by Cambria Consulting Ltd has been submitted in support of the application. For the purposes of obtaining baseline data the applicant undertook traffic surveys on the 30th June 2021. Traffic has been affected by the current Covid 19 pandemic however the applicant has utilised Department for Transport data which shows that on the 30th June 2021 traffic levels were deemed to be at 97% when compared to pre Covid conditions. It is accepted that traffic levels fluctuate daily and therefore for the purpose of assessing the potential highway network impacts, the proposed baseline data is considered acceptable by the Head of City Services (Highways).
- 7.12.2 Automated traffic counts and surveys have been carried out to assess the vehicle movements associated with the existing facility at Ringland Way and whilst the Highways Officer confirmed this as being useful in determining the existing vehicle movements associated with SPTS, has reaffirmed that it is the 'planning use' of the proposed buildings which is being considered and therefore comparable TRICS data must also be provided. Following submission of this TRICS data the Highways Officer has confirmed that they are satisfied that the traffic impact on the surrounding area will not be significant.
- 7.12.3 Following a request by the Highways Officer, a Stage One Safety Audit has been carried out and a designer's response submitted. This raised some problems and recommendations for the scheme, however since this was submitted, and the site layout has been amended (omitting the parking area at Plot 5 and proposed access point off North Lake Drive) several of these points are no longer relevant or applicable. Outlined below are the relevant matters raised within the report, the Highways Officer comment, and the applicant response.

- **Problem A** - Restricted visibility toward the crossing may lead to pedestrian/vehicle collisions.

Highways Response – Agreed. In principle, amendments to the Gabion Wall could be sufficient to address the issue raised however details must be submitted for consideration. I would also suggest that any amendments should be passed back to the auditor for consideration in order to demonstrate that this matter has been fully addressed.

Applicant Response – The gabion basket has been moved to provide full visibility from the roundabout to the crossing.

- **Problem C** - Lack of recognition of speed limits may lead to speeding.

Highways Response - This is outside the scope of the development and is a matter for the highways authority which has been passed to the relevant officer.

Applicant Response – No further comment required.

- **Problem D** - Proximity of layby to the junction may cause conflicts between turning vehicles.

Highways Response - The lay by in question does not form part of the adopted highway. I also note that there is an existing access located in a similar position to the proposed and therefore turning manoeuvres in this location would be expected.

Applicant Response – No further comment required.

- **Problem E** - Restricted visibility out of the junction may cause overshooting collisions.

Highways Response – Agreed, details must be submitted. It should also be noted that a minimum 'X' distance of 2.4m would be acceptable rather than the 4.5m shown

Applicant Response - Visibility splay is now marked on the drawing with an X distance of 2.4m. The queuing lane has been widened to move traffic out of the visibility splay in a 3m wide queuing lane. The footway reduced to 2m as a result.

7.12.4 The Council's Highways Officer has also confirmed that no structures or planting above a height of 600mm above carriageway level will be permitted within any visibility splay. This can be controlled via condition.

7.12.5 It is also noted that the Highways Officer has advised that a small area of the site along the eastern perimeter is located within the adopted highway. Following correspondence with Highways it is noted that within this area there is underground crates that attenuate highways surface water. The area of the site that this relates to has been redesigned that there is no built development above and the crates could be accessed if required, although this is understood to be unlikely or very infrequent. It has been confirmed that this particular area would need to be stopped up under the Highways Act with an easement over the land to allow access should it be required. In terms of the planning layout, this is acceptable and would not prevent permission being approved. In the event that an amendment to this section were to be required then there would be options available to the applicant such as submitting an application for a Non-Material Amendment. It is therefore not considered reasonable to withhold planning permission when a solution to resolve a minor issue would appear to be achievable, should it be needed.

7.12.6 The application proposes a building of mixed B1 and B2 use with a combined gross internal floor space of 15,043sqm and is located within Parking Zone 5 as per the Newport City Council Parking Standards SPG (Adopted August 2015). Non operational parking requirement in Parking Zone 5 for the proposed use would be as set out below;

Use	Parking Standard SPG Requirement
B1 Office	1 parking space per 40sqm
B2 High Tech. Industry	1 parking space per 20sqm
B2 Industry	1 parking space per 80sqm

7.12.7 Based on the Parking Standards set out in the above table for the proposed use of the building, the below table identifies the total number of non-operational parking spaces the proposal would generate. In the interest of clarity, it should be noted that when calculating the required number of spaces, functions of the building such as café, canteen, corridor spaces etc. have not been included within the calculated floor space as these in their own right would not generate a parking demand and support the main function of the building.

Use	Parking Standard SPG Requirement	Floor Area	Total Spaces
B1 Office	1 parking space per 40sqm	4,297sqm / 40sqm	108no. spaces
B2 High Tech. Industry	1 parking space per 20sqm	4,239sqm / 20sqm	212no. spaces
B2 Industry	1 parking space per 80sqm	5,561sqm / 80sqm	70no. spaces
Total		14,097sqm	390no. spaces

7.12.8 The final proposed parking layout provides a total of 408no. parking spaces. 25no. (5%) of these spaces would be allocated as disabled parking bays, 42no. (10%) electric vehicle parking bays and 21no. (5%) car sharing bays. There would also be an additional 21no. motorcycle bays. Whilst over provision of car parking is not favourable due to national and local policy aiming to shift away from car dependant development, it is considered reasonable to allow some tolerance. In this instance a surplus of 18no. spaces or 5% oversupply would allow for an acceptable degree of flexibility for the applicant.

7.12.9 Based on 350no. staff per shift 88no. secure long term cycle spaces and 18no. short terms cycle spaces would be provided in line with the SPG. An area has been allocated, for the secure cycle storage however details not submitted and this can be satisfactorily secured via planning condition.

7.12.10 Whilst a draft CEMP has been issued, it will be conditioned that prior to commencement of development a detailed and final CEMP is to be submitted and approved in writing by the LPA with regards to matters of highway safety so that final details requested can be agreed.

7.12.11 Overall, it is considered that the proposal complies with the aims of Policy SP1, GP4 and T4 of the NLDP 2011-2026 (adopted January 2015).

Drainage and Flooding

7.13.1 The site is not within a flood risk zone and while a flood consequences assessment is not required, there is a requirement for the developer to design a scheme in context to recent legislative changes for Sustainable Drainage Systems (SUDS). In this regard, from 7th

January 2019 developments with a construction area of 100 square metres or more or more than 1 dwelling, have been required to seek the prior approval of the Sustainable Drainage Approving Body (SAB) to a system of sustainable drainage to serve the project. This is mandatory and projects cannot lawfully commence without such approval.

- 7.13.2 A SuDs Strategy has been developed for the site and a Drainage Strategy Report has been submitted as supporting information. The drainage strategy for the scheme relies on infiltration to ground to control the surface water run-off together with some rain water harvesting. The surface water run-off from the new building and car park area will be collected via surface water drainage and conveyed via linear pipelines to geocellular attenuation tank storage located beneath the car park area. The infiltration test results indicate better than expected infiltration. The rainwater harvesting will allow collection of rain water for use within the new building including a grey water system and for use in the manufacturing process. A proportion of the surface water run-off arising from the good/service yard at the rear of the building will be directed to an attenuation pond. There is also a boundary swale feature. It is anticipated that the infiltration and harvesting will ensure that the surface water run-off from the development is limited to green field run-of rates. A final outfall connection will be made to the local surface water sewer.
- 7.13.3 A formal SAB application is currently before the Local Authority SAB Department and is under determination. Initial discussions with this department indicate that the surface water drainage strategy that is based on the revised proposed planning site layout before the committee and no significant issues were identified. The process of obtaining SAB approval is separate to the planning application process. Furthermore, the granting of planning permission does not convey approval to sustainable urban drainage systems and a separate SAB approval is required. Nevertheless, there is an intrinsic link between the layout and design of the scheme for planning purposes and the need to accommodate a drainage strategy which meets the requirements of the SAB.
- 7.13.4 Whilst the finer details are being considered within the SAB application, it is considered that the applicant has satisfied the requirements of policies SP1 Sustainability, SP4 Water Resources, GP5 Natural Environment and GP6 Quality of Design by ensuring that the applicant has considered sustainable drainage methods and is proposing no unacceptable impact on water quality.

Heritage Impact and Archaeology

- 7.14 The proposal submitted includes a Heritage Desk Based Assessment. The Council's Historic Building and Conservation Officer has reviewed the proposal and has confirmed that given the extent of the modern industrial development in the area, there is not considered to be any material impact on the setting of any designated historic assets and as such has no objection to the proposal. CADW were consulted as part of the Pre application Consultation Report (PAC) carried out by the applicant. CADW responded to the consultation and indicated that intervening topography, buildings and vegetation mean it is unlikely that the proposal would be inter visible with the scheduled monuments or the registered park and gardens. Therefore it is unlikely that there would be any effect on the settings of the scheduled monuments or the registered park and gardens.
- 7.14.1 The application site is located close to the archaeologically sensitive area of Newport, however there are no designated sites within the immediate vicinity and a review of the historic ordnance survey mapping has also indicated no archaeological structures or features. The application area has already been developed in the late 20th century and GGAT consider it likely that any previous disturbance is likely to have had an adverse effect on any remains that may be present. Overall, GGAT consider it unlikely that archaeologically significant material will be encountered during the course of the proposed works. As a result, GGAT advise members that there is no objections to the positive determination of the application.

7.14.2 As such, the proposal would conserve the sensitive area in accordance with policy SP9 Conservation of the Natural, Historic and Built Environment and CE6-Archedology of the Adopted LDP 2011-2026.

Section 106 Planning Obligation matters

Summary

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

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
Regeneration, Investment and Housing	For the provision of a new pedestrian and cycle route serving the development	A financial contribution of £50,000	£50,000	No

Heads of Terms Agreed by Applicant

7.15.1 Prior to Commencement of the Development the Owner shall pay to the Council the sum of fifty thousand pounds (£ 50,000) for the provision of a new cycle and pedestrian route serving the Development.

Other Matters

7.16 There will be storage of gases within a dedicated external gas building and this has been subject to a design risk assessment undertaken by the applicant. The applicant has confirmed that SPTS have not triggered to HSE COMAH Regulations at their current manufacturing site at Ringland Way and will assess if the new facilities operating model changes this position, but the department leader do not see the growth in the manufacturing hall triggering COMAH as this zoner runs without specialist gases. It is the clean room where the Research and Development teams use gases but in very small volumes when compared to a Wafer or Semiconductor Production factory. SPTS currently operate under an Environmental Permit and register as a hazardous waste producer. It has been confirmed that these permits will be re-applied for with NRW for the proposed facility prior to the move and SPTS will meet all code requirements.

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

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

8.2 *Equality Act 2010*

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

8.3 Having due regard to advancing equality involves:

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

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

8.4 The above duties have been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

8.5 ***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.

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

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

9. CONCLUSION

9.1 Overall, it is considered that on balance the proposed development would have significant economic benefits and would not cause unacceptable impact on the environment or surrounding lands uses. The proposed development represents a sustainable development which accords with national policy and the Newport Local Development Plan 2011-2026 (adopted January 2015).

10. RECOMMENDATION

DELEGATED AUTHORITY GIVEN TO THE HEAD OF REGENERATION, INVESTMENT AND HOUSING TO ISSUE A DECISION TO GRANT WITH CONDITIONS SUBJECT TO SECTION 106 LEGAL AGREEMENT (WITH DELEGATED AUTHORITY TO REFUSE FOLLOWING FAILURE TO AGREE LEGAL AGREEMENT) AND ON RECEIPT OF NO OBJECTION FROM NATURAL RESOURCES WALES

Approved Plans

01 The development shall be implemented in accordance with the following plans and documents ; Drawing No. SPT-CAP-00-XX-DR-A-910003_P10-Proposed Site Plan; Drawing

No. GH006637 - Landscape Soft Landscape Proposals JAN 22 Rev P01; Drawing No. GH006637 - Landscape Tree Felling and Protection Jan 22 Rev P01; Drawing No. SPTS-CAP-0000-XX-DR-C-0003 P04 - General Arrangement (Received 18/01/2022); Drawing No. SPTS-CAP-0000-XX-DR-C-0003 P05 - General Arrangement (Received 17/12/2021 - Visibility Splays Approved Only); Drawing No. SPT-CAP-SIT-XX-DR-A-950116_P02 - Arborological Survey and Tree Removal Site Plan; Drawing No. SPT-CAP-XX-00-DR-A-061001 P29- Revised Proposed Ground Floor Plan; Drawing No. SPT-CAP-XX-01-DR-A-061002 P27-Revised Proposed First Floor Plan; Drawing No. SPT-CAP-XX-02-DR-A-061003 P18- Revised Proposed Second Floor Plan; Drawing No. SPT-CAP-XX-03-DR-A-061004 P17- Revised Proposed Third Floor Plan; Drawing No. SPT-CAP-XX-04-DR-A-061006 P07- Revised Roof Plan; Drawing No. SPT-CAP-XX-ZZ-DR-A-062001 P05- Revised Proposed Elevations - Cladding 1; Drawing No. SPT-CAP-XX-ZZ-DR-A-062002 P05- Revised Proposed Elevations - Cladding 2; Drawing No. SPT-CAP-XX-ZZ-DR-A-063010 P04 - Revised Proposed GA Sections - Sheet 01; Drawing No. SPT-CAP-XX-ZZ-DR-A-063011 P03 - Revised Proposed GA Sections - Sheet 02; Drawing No. SPT-CAP-XX-ZZ-DR-A-063012 P04 - Revised Proposed GA Sections - Sheet 03; Drawing No. SPT-CAP-ZZ-00-DR-A-910011 P01- Revised Site Access Pedestrian Entrances; Ecological Impact Assessment (EclA) January 2022; Air Quality Assessment (October 2021)

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

Construction Traffic Route

02 Prior to the commencement of any development (including site clearance) a routing plan for all construction traffic that avoids Air Quality Management Areas shall be submitted to and approved in writing by the Local Planning Authority. This routing plan is to be adhered to at all times, unless otherwise firstly agreed in writing by the Local Planning Authority.

Reason: In the interests of minimising the impact on the AQMAs in accordance with Policy GP2 and GP7 of the NLDP 2011-2026 (adopted January 2015).

Construction Environment Management Plan (CEMP) (Env. Health & Highways)

03 Prior to the commencement of any works associated with the development hereby approved, a CEMP shall be submitted to and approved in writing by the Local Planning Authority. Details shall include;

Highway Safety

- Construction vehicle routes;
- A plan showing location of the contractor compound, turning facilities for deliveries and contractor parking;
- Contractor parking;
- Wheel wash facilities;
- Dust suppression.

Environmental Control

- Control measures for dust, noise, vibration, lighting, pest control;
- Restriction of hours of work and all associated activities audible beyond the site boundary to 07:00 hours – 19:00 hours Mondays to Saturdays (inclusive) and no works on Sundays or public/bank holidays unless otherwise firstly agreed in writing by the LPA;
- Advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works.

The approved CEMP details shall be implemented and carried out through the duration of the project.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site and to ensure adequate highway safety. In accordance with Policy GP2, GP4 and GP7 of the NLDP 2011-2026 (adopted January 2015).

Construction Environment Management Plan (CEMP) (Ecology/Contamination)

04 Prior to the commencement of any works associated with the development hereby approved, a CEMP shall be submitted to and approved in writing by the Local Planning Authority. Details shall include;

- General Site Maintenance: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of measures to ensure contaminants do not enter the existing surface water drainage network, emergency spill procedures and incident response plan.
- The CEMP should make reference to pollution prevention guidance PPG 6: Working at construction and demolition sites available from <https://www.netregs.org.uk/environmentaltopics/guidance-for-pollution-prevention-gpp-documents/guidance-for-pollution-prevention-> www.naturalresourceswales.gov.uk www.cyfoethnaturiolcymru.gov.uk Page 6 of 6 gpps-full-list/. A link to this guidance should be included within the CEMP.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure necessary management measures are agreed and implemented for the protection of the environment during construction in accordance with Policy GP2, GP4 and GP5 of the NLDP 2011-2026 (adopted January 2015).

Final Details of Ecological Mitigation, Compensation and Enhancement

05 Prior to the commencement of development (including site clearance) a detailed plan showing the scheme of ecological mitigation, compensation and enhancement in accordance with the measures outlined within approved document "Ecological Impact Assessment (EclA) January 2022" shall be submitted to and approved in writing by the Local Planning Authority. The development shall undertaken in full accordance with the EclA and the approved details.

Reason: In the interests of the scheme providing satisfactory ecological mitigation, compensation and enhancement in accordance with Policies GP5, CE1 and CE8 of the NLDP 2011-2026 (adopted January 2015)."

Scheme of Drainage

06 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the management of surface water and disposal of foul water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development. No further foul water shall be allowed to connect directly or indirectly with the public sewerage system and no surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

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

environment in accordance with Policy GP2 and GP3 of the NLDP 2011-2026 (adopted January 2015).

Root Protection Barrier Fencing

07 No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, forming of site compound and operations involving the use of motorised vehicles or construction machinery) shall commence at Plot 5 until Root Protection Barrier fencing has been installed in accordance with details to be firstly approved in writing by the Local Planning Authority.

No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area. The fencing shall be retained for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To protect important landscape features within the site in accordance with Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

Arboricultural Watching Brief

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

- a) Supervision and monitoring of the approved Tree Protection Plan;
- b) Once the barrier fencing is erected, the approved Arboricultural Consultant must inspect and "sign off" in writing and submit a copy of this to the Local Planning Authority stating that the protective fencing is in the correct location and is fit for purpose- this will be the first watching brief .
- c) Supervision of the alteration or temporary removal of any Barrier Fencing; .
- d) Oversee working within any Root Protection Area eg any re profiling/grading of existing levels, construction of car parking bays, and landscaping operations.
- e) Reporting to the Local Planning Authority and providing a revised Arboricultural Method Statement if operations on site dictate
- f) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Council's Tree Officer.

Reason: To protect important landscape features within the site in accordance with Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

Detailed Soft Landscaping Plan

09 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 (including details of what will be retained) for the site (indicating the number, species, heights on planting and positions of all trees and shrubs as well as details of phased implementation of infrastructure planting). The approved scheme shall be carried out in line with the approved phasing and in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To safeguard the rights of control of the Local Planning Authority in these

respects and to ensure that the site is landscaped in a satisfactory manner in accordance with Policy SP9, GP2 and GP5 of the NLDP 2011-2026 (adopted January 2015).

Hard Landscaping Plan

10 Notwithstanding any details submitted, prior to the installation of any boundary treatments or enclosures (including gates) and the laying of any hard surfaces a detailed hard landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the first beneficial use of the development and thereafter no other hard surfaces or boundary treatments or enclosures shall be installed at the site without the prior written approval of the Local Planning Authority. Reason: To protect visual amenity and ensure the development is completed in a manner compatible with its surroundings in accordance with Policy GP2 and GP6 of the NLDP 2011-2026 (adopted January 2015).

Biodiversity/Ecological Enhancements

11 Prior to the commencement of development (including site clearance) a detailed plan showing the scheme of ecological mitigation, compensation and enhancement in accordance with the measures outlined within approved document "Ecological Impact Assessment (EclA) January 2022" shall be submitted to and approved in writing by the Local Planning Authority. The development shall undertaken in full accordance with the EclA and the approved details.

Reason: In the interests of the scheme providing satisfactory ecological mitigation, compensation and enhancement in accordance with Policies GP5, CE1 and CE8 of the NLDP 2011-2026 (adopted January 2015).

Noise Assessment for Plant Equipment

12 Prior to the installation of the proposed plant equipment, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment in accordance with Policy GP2 and GP7 of the NLDP 2011-2026 (adopted January 2015).

No Penetrative Ground Methods

13 No piling or any other foundation designs using penetrative methods shall be carried out until details sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason: Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development in accordance with Policy GP3 of the NLDP 2011-2026 (adopted January 2015).

External Lighting

14 Prior to the commencement of external lighting on site full details of external illumination and floodlighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed in full prior to the first use of the building and no other external lighting installed without the written permission of the Local Planning Authority.

Reason: In the interests of public amenity and in order to protect ecological interests in accordance with Policy GP2 and GP5 of the NLDP 2011-2026 (adopted January 2015).

Vehicular Access Surface Water Drainage

15 Prior to the construction of the approved vehicular access points details of surface water drainage to prevent surface water draining onto the public highway shall be submitted and approved in writing. The access points shall be constructed in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety in accordance with Policy GP4 of the NLDP 2011-2026 (adopted January 2015).

Pre- Construction

External Materials

16 Prior to the construction of the building's facade details/samples of materials and finishes to be used on the external surfaces shall be 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 the development is carried out in an acceptable manner in accordance with Policy GP6 of the NLDP 2011-2026 (adopted January 2015).

Details of Photovoltaic Panels

17 Prior to installation, full details of the proposed photovoltaic cells (including a plan showing the number and location) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and in use prior to the first beneficial use of the building hereby approved and retained in working order thereafter.

Reason: In the interests of sustainable development and protecting visual amenity in accordance with Policy SP5 and GP2 of the NLDP 2011-2026 (adopted January 2015).

Landscape and Ecological Management Plan (LEMP)

18 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior implementation of landscaping scheme. The content of the LEMP shall cover the entire application site and include the following:

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organization responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To mitigate and compensate for the loss of habitats in accordance with LDP policy GP5 and to provide ecological net benefit as required in Planning Policy Wales Edition 10.

Electric Vehicle Charging Points

19 Prior to the construction of the car park, a scheme (including plan) outlining the location and specification of the minimum required 10% provision of parking spaces with Electric Vehicle Charging Points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and all charging points made available for use prior to the first beneficial use of the building hereby approved and retained in working order thereafter.

Reason: In the interests of sustainability and to mitigate the impact of the proposal in accordance with Policy SP1 of the NLDP 2011-2026 (adopted January 2015) and Policy 12 of the Future Wales: National Plan 2040.

**Pre Occupation
Parking Provision**

20 Prior to the first beneficial use of the building hereby approved the car parking shall be provided fully in accordance with "Drawing No. SPTS-CAP-0000-XX-DR-C-0003 P04 - General Arrangement" and retained for the availability of parking thereafter.

Reason: In the interests of adequate parking provision and matters of highway safety in accordance with Policy GP4 and T4 of the NLDP 2011-2026 (adopted January 2015).

Visibility Splays

21 Prior to the first beneficial use of the access hereby approved the approved visibility splays and sight line areas shown on the approved drawings shall be provided. All these areas shall therefore be kept free of all obstructions to visibility over a height of 0.6 metres

Reason: In the interests of highway safety in accordance with Policy GP4 of the NLDP 2011-2026 (adopted January 2015).

Cycle Store Details

22 Full details of the secured cycle storage, to include elevations, layout, finish detail and lighting, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented and made available for use prior to the first use of the building as approved and then maintained thereafter in that state.

Reason: To ensure an acceptable provision of cycle storage and to promote sustainable methods of transport to the site in accordance with Policy SP1 and GP6 of the NLDP 2011-2026 (adopted January 2015).

Travel Plan

23 Prior to the beneficial use of the development hereby approved a Travel Plan (including discouragement of petrol/diesel vehicles how the Travel Plan would approach this) shall be submitted to and approved in writing by the Local Planning Authority. The development shall operate in accordance with the approved Travel Plan.

Reason: In the interest of sustainable development and to justify a shortfall in parking provision, in accordance with policies GP4 and T4.

**General Conditions
Restriction of Use Class**

24 Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or any Order revoking or re-enacting that Order, the proposed development shall be used for the B1 and B2 Manufacturing and Research and Development Facility with Administrative Office use and for no other purpose, including any purpose in Class B1 or B2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provisions equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: To ensure the control on the specific B1 and B2 use in this scheme and to protect from permitted changes to alternative uses that could potentially harm neighbouring amenity, parking and highway safety in accordance with Policies GP2, GP4 and T4 of the NLDP 2011-2026 (adopted January 2015).

Hours of Construction

25 The hours of construction shall be restricted to the following hours of operation (excluding internal fitting works that would not create an audible noise outside the boundary of the site):

Construction Hours - Non-Piling

i) No development, (including land raising and demolition if required) shall be carried out other than between the hours of 07.00 and 19.00 Monday to Saturday

Construction Hours - Piling

ii) Notwithstanding the requirements of part (i), no construction work involving piling shall be carried out on the site other than between the hours of 08.00 and 17.00 Mondays to Fridays and no construction work involving piling shall be carried out on Saturdays, Sundays or Public and Bank Holidays.

Prior Approval - Out of Hours

iii) Prior approval from the Local Planning Authority will be required for any construction to take place outside permitted times and on Sundays and Public and Bank Holidays, where it would create noise audible at the boundary of any residential property.

Reason: In the interests of residential amenity in accordance with Policy GP2 and GP7 of the NLDP 2011-2026 (adopted January 2015).

Ecological Impact Assessment (EclA)

26 The proposed development shall take place in full accordance with the approved Ecological Impact Assessment (January 2022).

Reason: In the interests of mitigation, compensating and enhancing ecological interests at the site in accordance with Policy GP5 of the NLDP 2011-2026 (adopted January 2015) and National Planning Policy.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Drawing No. SPT-CAP-XX-XX-DR-A-910002_P01 - Site Location Plan; Drawing No. SPT-CAP-XX-XX-DR-A-910001_P01 - Existing Site Plan; Drawing No. SPT-CAP-SIT-XX-DR-A-950116_P02 - Arborological Survey and Tree Removal Site Plan; Drawing No. GC3804-RED-74-XX-DR-L-0006 P01 - Phase 1 Habitat Map Plots 1 & 5; Drawing No. GH006637 - Landscape Soft Landscape Proposals JAN 22 Rev P01; Drawing No. GH006637 - Landscape Tree Felling and Protection Jan 22 Rev P01; Drawing No. SPT-CAP-SIT-XX-DR-A-950116_P02 - Arborological Survey and Tree Removal Site Plan; Drawing No. SPT-CAP-ZZ-00-DR-A-950101 P01- Revised Gabion Walls Intent; Drawing No. SPT-CAP-ZZ-00-DR-A-950111 P01- Revised Site Access Pedestrian Security Feature Gates; Drawing No. SPT-CAP-ZZ-EX-DR-E-631001 P01(1) - Revised External Lighting Plot 1; Drawing No. SPT-CAP-ZZ-EX-DR-E-631002 P01(1) - Revised External Lighting Plot 2; Drawing No. SPTS-CAP-0000-XX-DR-C-0004 P03 - Revised Typical Sections -Edge Treatments; SPTS-CAP-0000-XX-DR-D-0501 - Revised Drainage Strat 1 of 2; SPTS-CAP-0000-XX-DR-D-0502 - Revised Drainage Strat 2 of 2; Drawing No. SPTS-CAP-0000-XX-DR-C-0005 P01 - Revised Swept Path Analysis; SPT-CAP-00-XX-RP-A-000005 P03 - Revised Phase 1 External Site Outline Specification; Drawing No. SPT-CAP-XX-00-DR-A-061001 P29- Revised Proposed Ground Floor Plan; Drawing No. SPT-CAP-XX-01-DR-A-061002 P27- Revised Proposed First Floor Plan; Drawing No. SPT-CAP-XX-02-DR-A-061003 P18- Revised Proposed Second Floor Plan; Drawing No. SPT-CAP-XX-03-DR-A-061004 P17- Revised Proposed Third Floor Plan; Drawing No. SPT-CAP-XX-04-DR-A-061006 P07- Revised Roof Plan; Drawing No. SPT-CAP-XX-ZZ-DR-A-062001 P05- Revised Proposed Elevations - Cladding 1; Drawing No. SPT-CAP-XX-ZZ-DR-A-062002 P05- Revised Proposed Elevations -

Cladding 2; Drawing No. SPT-CAP-XX-ZZ-DR-A-063010 P04 - Revised Proposed GA Sections - Sheet 01; Drawing No. SPT-CAP-XX-ZZ-DR-A-063011 P03 - Revised Proposed GA Sections - Sheet 02; Drawing No. SPT-CAP-XX-ZZ-DR-A-063012 P04 - Revised Proposed GA Sections - Sheet 03; Drawing No. SPT-CAP-ZZ-00-DR-A-910011 P01- Revised Site Access Pedestrian Entrances; Ecological Impact Assessment (EclA) January 2022; OMHPDL Priority Habitat Assessment; Ecological Method Statement – Ground Investigation Walkover and Water Vole Survey; Breeding Bird Survey Report Nov. 21 (Doc Ref GC3804-CAP-74-XX-RP-L-0008); Reptile Survey Report November 2021 Rev P01 (Doc Ref GC3804-CAP-74-XX-RP-L-0009); Great Crested Newt eDNA Survey July 2021 (Doc Ref GC3804-CAP-74-XX-RP-L-0002); Great Crested Newt Habitat Suitability Index (HSI) Report January 2021 Rev P01 (Doc Ref GC3395-CAP-74-XX-RP-L-0001; Supporting Statement – Future Wales Policy 16; Flow Rate Information for Welsh Water; Development Proposal Statement; Road Safety Audit Stage 1 Rev P01; Road Safety Audit Stage 1 Decision Log; CC2339-CAM-ZZ-XX-RP-C-0001 - Transport Assessment Rev P2 (Received 12/11/2021); CEMP (Draft); Air Quality Assessment (October 2021); SPT-CAP-XX-XX-RP-A-00011 P01 - Revised Pre Application Consultation Report; SPT-CAP-XX-XX-RP-A-00012 P01 - Revised Heritage Desk Based Assessment; Travel Plan; LZC Feasibility Report; Visual Impact Assessment EIA Screening; Plot 1 – Preliminary Ecological Appraisal; Plot 2 – Preliminary Ecological Appraisal; Heritage Desk Based Assessment; MEP Basis of Design; MEP Philosophy; Drainage Strategy Report - SPTS-CAP-73-XX-RP-D-0001_P01.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1 – Sustainability, SP2- Health, SP4- Water Resources, SP9- Conservation of the Natural, Historic and Built Environment SP17 – Employment Land, SP18- Urban Regeneration, GP2 – General Amenity, GP3 – Service Infrastructure, GP4 – Highways and Accessibility, GP5 – Natural Environment, GP6 – Quality of Design, GP7- Environmental Protection and Public Health, CE1- Route ways, Corridors and Gateways, CE6 Archaeology, CE8 Locally Designated Nature Conservation and Geological Sites, T4 – Parking, T5- Walking and Cycling, W3 – Provision for Waste Management Facilities 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 Land potentially affected by contamination Natural Resources Wales considers that the controlled waters at this site are not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site

06 If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted.

07 The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

3.

APPLICATION DETAILS

No: 21/1040 **Ward:** Rogerstone

Type: Full (Major)

Expiry Date: 30th December 2021

Applicant: DSI Ltd

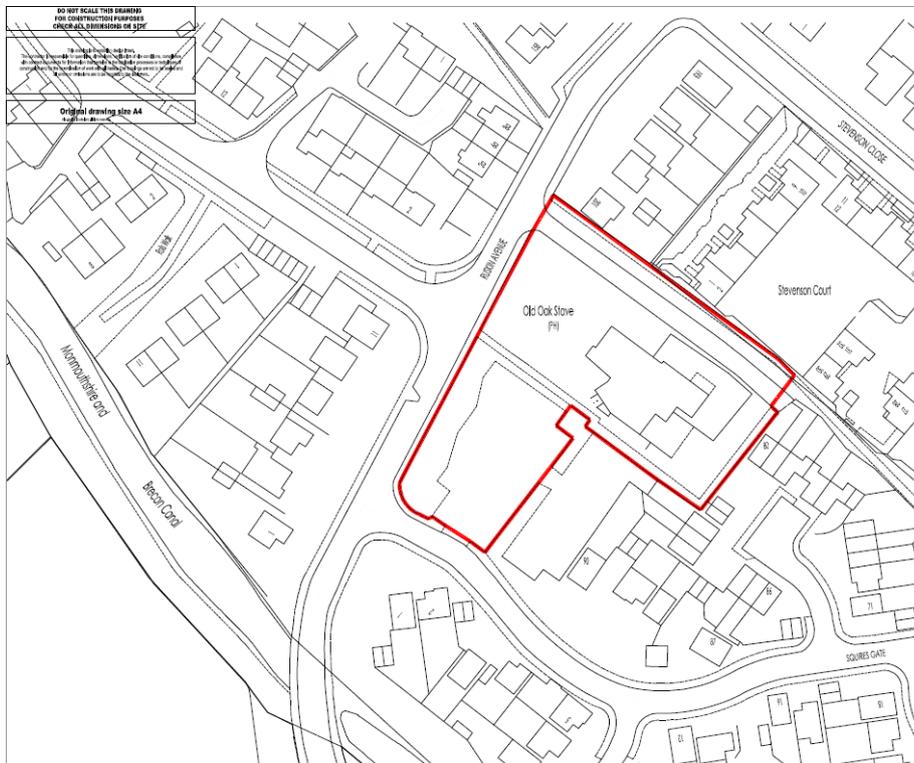
Site: Ye Olde Oak Stave Ruskin Avenue Rogerstone Newport South Wales

Proposal: **DEMOLITION OF EXISTING PUBLIC HOUSE AND CONSTRUCTION OF 21NO. FLATS WITHIN 3NO. BLOCKS AND ASSOCIATED INFRASTRUCTURE WORKS (PART RETROSPECTIVE) (RESUBMISSION OF 20/0696)**

Recommendation: **GRANTED WITH CONDITIONS AND SUBJECT TO A s106 AGREEMENT WITH DELEGATED POWER TO REFUSE THE APPLICATION IF THE s106 AGREEMENT IS NOT SIGNED WITHIN 4 MONTHS OF THE COUNCIL'S RESOLUTION TO GRANT PLANNING PERMISSION**

1. INTRODUCTION

1.1 This application seeks full planning permission for the construction of 21 no. flats which would be provided across three apartment blocks; and associated infrastructure works, including car parking. The site includes the building, land and car park associated with the former Olde Oak Stave on Ruskin Avenue, Rogerstone.



1.2 The application is a resubmission of permission 20/0696 which was for the same development and was granted permission by Planning Committee in February 2021. The proposed development included demolition of an existing public house (Olde Oak Stave) and these works have been undertaken. Permission 20/0696 has therefore been implemented and is extant.

- 1.3 The resubmission is to consider the financial viability of the scheme and the omission of previously approved on-site affordable housing. The proposed development is the same as that approved under permission 20/0696, although some amendments are made to the landscaping scheme, in order to correspond with a discharge of condition of the 20/0696 permission.
- 1.4 The 20/0696 report is repeated, except for updated consultation responses. Any changes to the assessment as a result of any on-site changes or consultation responses are made in **bold italics**.
- 1.5 There have been no Local Development Plan policy changes since the previous application was approved in February 2021 and no new and relevant Supplementary Planning Guidance have been adopted.
- 1.6 Future Wales – The National Plan 2040 has been released since the previous application was granted by Planning Committee however, the policies are very strategic and would not materially change the original assessment.
- 1.7 The application is brought before Planning Committee at the request of Councillor Forsey.

2. RELEVANT SITE HISTORY

14/0336	DEVELOPMENT OF 10NO. APARTMENTS AND ASSOCIATED WORKS	Refused
19/0587	DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF 6NO. 4 BEDROOM RESIDENTIAL DWELLINGS, INCLUDING ACCESS, PARKING, LANDSCAPING, BIN STORGE AND ALL ASSOCIATED WORKS	Granted with conditions
20/0696	DEMOLITION OF EXISTING PUBLIC HOUSE AND CONSTRUCTION OF 21NO. FLATS WITHIN 3NO. BLOCKS AND ASSOCIATED INFRASTRUCTURE WORKS	Granted with conditions
21/0952	PARTIAL DISCHARGE OF CONDITION 7 (ARBORICULTURALIST APPOINTMENT) OF PLANNING PERMISSION 20/0696 FOR DEMOLITION OF EXISTING PUBLIC HOUSE AND CONSTRUCTION OF 21NO. FLATS WITHIN 3NO. BLOCKS AND ASSOCIATED INFRASTRUCTURE WORKS	Approved
21/0999	PARTIAL DISCHARGE OF CONDITION 3 (MATERIALS) OF PLANNING PERMISSION 20/0696 FOR THE DEMOLITION OF EXISTING PUBLIC HOUSE AND CONSTRUCTION OF 21NO. FLATS WITHIN 3NO. BLOCKS AND ASSOCIATED INFRASTRUCTURE WORKS	Approved
21/1003	PARTIAL DISCHARGE OF CONDITION 2 (CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN) OF PLANNING PERMISSION 20/0696 FOR THE DEMOLITION OF EXISTING PUBLIC HOUSE AND CONSTRUCTION OF 21NO. FLATS WITHIN 3NO. BLOCKS AND ASSOCIATED INFRASTRUCTURE WORKS	Approved
21/1021	PARTIAL DISCHARGE OF CONDITION 5 (RAINWATER GARDENS) OF PLANNING PERMISSION 20/0696 FOR THE DEMOLITION OF EXISTING PUBLIC HOUSE AND CONSTRUCTION OF 21NO. FLATS WITHIN 3NO. BLOCKS AND ASSOCIATED INFRASTRUCTURE WORKS	Approved
21/1032	PARTIAL DISCHARGE OF CONDITION 4 (LANDSCAPE METHOD STATEMENT) OF	Under consideration

	PLANNING PERMISSION 20/0969 FOR DEMOLITION OF EXISTING PUBLIC HOUSE AND CONSTRUCTION OF 21NO. FLATS WITHIN 3NO. BLOCKS AND ASSOCIATED INFRASTRUCTURE WORKS	
--	---	--

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

Policy **CF12 Protection of Existing Community Facilities** resists the loss of existing community buildings unless alternative provision is made or it is demonstrated that the building is surplus to the needs of the community.

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 The following Supplementary Planning Guidance are also relevant:

- Sustainable Travel
- Wildlife and Development
- New Dwellings
- Waste Storage and Collection
- Parking Standards
- Trees, Woodland, Hedgerows and Development Sites.

4. CONSULTATIONS

4.1 SOUTH WALES FIRE AND RESCUE: No response.

4.2 DWR CYMRU – WELSH WATER: We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

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

4.2.2 No objection in terms of water supply.

4.2.3 The development requires approval of Sustainable Drainage Systems (SuDS) features. It is recommended that the developer engage in consultation with the determining SuDS Approval Body (SAB). Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

4.2.4 The proposed development site is crossed by a public sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of any building will be permitted within the protection zone of the public 150mm foul water sewer measured 3 metres either side of the centreline. No part of any building will be permitted within the protection zone of the public 300mm surface water sewer measured 3 metres either side of the centreline.

4.2.5 The proposed development is also crossed by 2 watermains, an easement of 7.7 meters shall be maintained, 3.85m either side of the centre line of the main.

4.3 REGIONAL AMBULANCE OFFICER: No response.

4.4 HEDDLU – GWENT POLICE: No response.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF CITY SERVICES (HIGHWAYS): No objection. The application is the same as application 20/0696 but with amendments being made to the level of affordable housing being provided on the site which will not impact upon highway safety or affect the free flow of traffic and will therefore be acceptable.

5.2 HEAD OF CITY SERVICES (ECOLOGY): the Preliminary Ecological Assessment submitted in support of this application is dated April 2019, and is therefore out of date. The PEA should be repeated with particular attention paid to assessing the bat roost potential of these buildings. I would be happy to provide advice on the scope of a PEA in due course, however it is likely that emergence / re-entry surveys for bats will be required, and these can only take place between May and September inclusive.

5.3 HEAD OF CITY SERVICES (LANDSCAPING): The application change from 20/0696 as I understand relates to the social housing element of the proposal. However, the 21/1040 application now incorporates previously issued landscape related documents submitted to

discharge Condition 4 ref 21/1032. The following comments were made in October 2021 in relation to the 21/1032 application and are resubmitted below in full as they should now apply to the current 21/1040 application.

- 5.3.1 The plan should be amended to incorporate the following:
- the hard and soft landscape plans [at reduced scale but so all related documents are collated]
 - management operations for existing trees and hedges
 - a plan or amended landscape plan to show the tree Root Protection Areas
 - prescription to cover implementation of seeding (and possibly tree planting) within the tree RPAs
 - the topsoil specification is generic for all landscape types although the wildflower areas which are extensive will require a low nutrient topsoil
- 5.3.2 Also refer to comments from the Tree Officer in relation to the need for a method for working within the Root Protection Areas. Agree that ideally the landscape plan should be updated to show the RPAs of trees to be retained and cross referenced to the tree schedule as submitted under 20/0969 as this will likely become the base plan for the main contractor and landscape contractor to implement and without showing the RPAs the successful long-term retention of trees may be compromised.
- 5.4 HEAD OF CITY SERVICES (TREE OFFICER): No response.
- 5.5 HEAD OF CITY SERVICES (DRAINAGE): No response.
- 5.6 HOUSING STRATEGY MANAGER: No response.
- 5.7 PLANNING CONTRIBUTIONS MANAGER: An 'open book' viability appraisal was undertaken, concluding that profit falls below 15% if all s106 obligations are requested, but a profit at the lowest end of the range is achievable if affordable housing is removed. As such, the scheme is considered unviable in terms of making a contribution to Affordable Housing provision, but can still deliver the education and leisure obligations
- 5.8 HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH): No response.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (86 properties), a site notice displayed and a press notice published in the South Wales Argus. No responses.
- 6.2 COUNCILLOR FORSEY: Please confirm that this application will be heard by Planning Committee. I notice that the hedge is described as Cherry Laurel - this is regarded as an invasive species in the UK and a considerable effort has been made by the Countryside Team to remove the plant from some areas around Newport. Please could the planning team make removal of this plant a condition of the planning?
- 6.4 ROGERSTONE COMMUNITY COUNCIL: No response.

7. ASSESSMENT

- 7.1 The application site sits within the Mount Pleasant housing estate. It is accessed via Cefn Road to the south and via Groes Road/Cwm Lane to the north, which also links on to Bettws and Cwmbran. The site **previously** comprised a part single storey, part two storey building, which **was** surrounded by garden areas, in association with the use of the building, together with some hardstanding, open landscape areas and a large car park. **The building has now been demolished and work under consent 20/0696 has begun on site.** The site is accessed by an un-named road to the north of the site, which comes off Ruskin Avenue. To the south east of the site is the remaining portion of the car park. This is under different ownership and planning permission was recently granted for the construction of 3 no. houses on this land (reference 19/0709). The surrounding area is residential and properties lie adjacent to the north eastern, eastern and south eastern boundaries of the

wapplication site. Elsewhere residential properties lie opposite along Ruskin Avenue and along Squires Gate.

7.2 Planning history

7.2.1 Planning permission was refused for 10 no. flats within a two storey L shaped building in June 2014 (reference 14/0336). The building was located within the western portion of the car park and it did not involve the pub or its gardens. The design and scale of the building was considered acceptable however, the applicant failed to demonstrate that future occupiers would be protected from noise generated by the then operational pub, they failed to demonstrate that adequate parking provision could be provided for the pub as the proposal would remove all parking associated with the pub and they did not agree to the required planning contributions.

7.2.2 Planning permission was granted for 6 no. detached dwellings in November 2019 (reference 19/0587). The application site involved the pub and its gardens, it did not include the car park which is now included in this application. Access to the development was from the un-named road off Ruskin Avenue to the north.

7.2.3 *Planning permission for the demolition of the public house and construction of 21 no. flats within 3 no. blocks and associated infrastructure works was granted in February 2021. The permission was subject to a legal agreement which secure contributions towards education, leisure and an on-site provision of affordable housing. The legal agreement was signed in July 2021. Demolition of the public house has been carried out and construction works are underway.*

7.3 The proposals

7.3.1 It is proposed to construct three residential blocks to provide 21 no. two bedroom flats. The apartment blocks would be located on the land **which was** occupied by the pub building and its gardens. Block 1 would run parallel to Ruskin Avenue and would have a frontage onto this road. It would be set back around 9m from the road and would retain the open landscape area in between. Blocks 2 and 3 would face into the site, which would have a central communal landscaped garden area. The rear of block 2 would face towards the un-named road to the north and the rear of block 3 would face towards properties in Squires Gate.

7.3.2 The un-named road to the north would be retained and it would provide access to 10 parking spaces which would be positioned behind block 3. It is also proposed to remove some of the grass verge adjacent to the road to provide a further 4 parking spaces and 2 visitor spaces. There would also be one of two refuse stores located at the end of this road. The footpaths to the north of the site and south of the existing pub building would be retained and would continue to link Ruskin Avenue to Taliesen Close and beyond.

7.3.4 It is proposed to retain the existing car park in the south western portion of the site. It would be accessed from Squires Gate, using the existing access. It would be reconfigured to provide 30 parking spaces and 4 visitor spaces. Overall the development would provide 50 parking spaces, across the two car parking areas. The existing area of landscaping and trees in between the car park and Ruskin Avenue would be retained; and additional landscaping would be provided at the entrance to the car park, within the car park itself and along the boundary with the neighbouring development site (3 no. dwellings). A second refuse store would be located at the top of the car park, adjacent to Block 1.

7.3.5 The apartment blocks would be largely identical, except for some different positions of balconies. They would measure 25m in length and 11.5m in width (centrally, at their widest point). They would have a maximum ridge height of 9.2m, with an eaves height of 5.2m. The blocks would have hipped roofs, with a gable feature at each end and two small dormers positioned centrally in the front elevation. To the rear there would be a central projection, which provides access to the apartments, via a central lobby. Roof lights are proposed in the front and rear roof slopes to serve accommodation within the roof space. The buildings would be finished in red brick and render. Blocks 1 and 2 would have a first floor balcony on each end of the building. Block 3 would differ slightly, with a first floor balcony proposed on the northern side elevation and the other balcony on the front elevation.

7.3.6 Each apartment block would provide 3 x 2 bedroom flats on the ground and first floor, with 1 x 2 bedroom flat in the roof space. The apartment blocks would be surrounded by landscaping, incorporating lawn areas, swales for sustainable drainage, pollen and nectar rich wild flowers, rain gardens in raised beds, shrub and tree planting. There would be footpaths around the blocks and a footpath which runs centrally through the communal gardens, leading to the south western parking area.

7.4 The principle of development

7.4.1 The site is previously developed land within the defined settlement boundary. The building is currently vacant and it is considered that the provision of residential development within the urban area is consistent with policy SP18 of the Newport Local Development Plan and its general brownfield strategy. ***As planning permission 20/0696 has been implemented (with all pre-commencement conditions discharged or discharge sought) there is an extant consent for the same development, notwithstanding the proposed changes to the on-site affordable housing provision. The principle of development is therefore established.***

7.5 Highways and access

7.5.1 **Traffic generation and impact on the highway network:** In accordance with the Parking Standards SPG the proposed development generates a requirement for 42 parking spaces (1 space per bedroom) and 5 visitor spaces (1 space per every 5 units). 50 parking spaces are proposed. This will generate vehicle trips and a demand on the local highway infrastructure. When assessing whether or not this demand would result in a harmful impact on the local highway infrastructure a number of factors need to be considered:

- the lawful fallback use of the site and its associated vehicle trips/demand on highway infrastructure;
- the likely level of vehicular trips generated by the proposed development, using recognised and industry standard trip generation data;
- the condition of the existing highway network.

7.5.2 The applicant has submitted a Transport Statement which, addresses these factors. The Transport Statement uses the TRICS database, which is a national system of trip generation analysis (the database contains over 7000 directional transport surveys at 110 types of development). The Councils Highways Officer has no objection to the methodology of data collection. The lawful use of the site is an A3 use (pub/restaurant); and this use could resume at any time. As such it is necessary to understand the vehicle trips associated with the former use, as the lawful fallback position. The TRICS analysis has used the Hotel, Food & Drink category of the data-base to derive a representative sample of sites of similar size and locational characteristics to that of the former pub/restaurant. The data considers the morning and evening peak hours (0800-0900 and 1700-1800), as well as a sum of daily movements. The Transport Statement, based on the TRICS analysis shows that the former use would generate 0 trips during the am peak hour, 49 trips during the pm peak hour and 677 daily movements.

7.5.3 The TRICS trip generation database has also been used to calculate the vehicular trips of the proposed development. The sites used to derive the data were selected based on; privately owned flats, Monday to Friday survey days and within the UK (excluding Greater London, NI and the Republic of Ireland). As with the former use the data considers the morning and evening peak hours, as well as daily movements. The Transport Statement shows that the proposed use would generate 6 trips during the am peak, 7 trips during the pm peak and 77 daily movements. A comparison of the existing and proposed trip generation is set out in the table below:

Table 1

Period	Former pub/restaurant			Proposal 21 no. flats			Difference		
	Arrive	Depart	Total	Arrive	Depart	Total	Arrive	Depart	Total
0800-0900	0	0	0	1	5	6	+1	+5	+6
1700-1800	31	18	49	5	2	7	-26	-16	-42
Daily	344	333	677	40	37	77	-304	-296	-600

- 7.5.4 It can be seen from the above table that the proposed development would result in less vehicle trips overall when compared with the existing use. There would be an increase in trips during the am peak hour however, an additional 6 trips is not considered to be significant.
- 7.5.5 There **were previously** objections from the local community, with nearly all representations raising concerns over the impact of the proposal on the local highway infrastructure. There **was** concern that during the peak hours and in particular during the morning rush hour, there are long queues of vehicles attempting to leave Ruskin Avenue onto Cefn Road. These queues often back up to the Squires Gate entrance and further. There **were** concerns that additional vehicles will further exacerbate these queues, causing a highway safety issue and the potential for accidents. It is recognised that there are existing issues with queuing traffic during the peak periods. However, this is an existing problem and as it has been shown that the proposed development would only generate an additional 6 vehicle trips during the am peak period and 7 trips during the pm peak period, this is considered to not have a significant additional harmful impact on the existing highway network. The Councils Highways Officer has no objection to the additional vehicle trips nor the impact on the highway network.
- 7.5.6 *Parking and servicing:* As set out in paragraph 7.5.1 the parking and visitor parking demand generated by the proposed development is 47 spaces in total. As it is proposed to provide 50 spaces, including 6 visitor spaces, it is considered that sufficient parking is proposed. The Highways Officer also has no objection to the proposed parking provision.
- 7.5.7 Local residents **previously** raised concern that the car park is used by parents dropping off and collecting children from Mount Pleasant primary school. Without this car park vehicles would be displaced onto neighbouring streets to find on-street parking. Local residents are concerned that this will result in indiscriminate parking and a risk to highway and pedestrian safety, particularly children as they walk to school. Whilst these concerns are understood, parking within the existing car park is on an informal basis and could be stopped by the landowners at any point. It would therefore be unreasonable to refuse the proposed development on the basis of this informal arrangement.
- 7.5.8 In terms of servicing, swept path analysis has been provided to demonstrate that refuse vehicles can enter and leave the un-named road to the north in a forward gear. The Highways Officer is satisfied with this.
- 7.5.9 It is proposed to provide cycle storage adjacent to each apartment block. The Sustainable Travel Supplementary Planning Guidance requires 1 long stay cycle space per every 2 bedrooms and 1 short stay cycle space per every 20 bedrooms. Long stay spaces should be provided in secure, ideally covered structures and short stay spaces should be obvious and easily accessible. The demand created by the proposed development is 7 cycle spaces for each apartment block and 1 short stay space. It is considered that the cycle stores shown would be located in convenient, secure and accessible places. It is considered that the precise details to demonstrate that 7 cycles can be stored within the shelters can be secured through a condition.
- 7.5.10 Further concerns **were** raised by local residents. A number of concerns relate to the visibility from the Squires Gate entrance/exit and its proximity to both the Squires Gate/Ruskin Avenue junction and the access to the adjacent approved development. Both of these accesses are existing and currently serve a car park. The existing car park provides (including that of the neighbouring development site) around 70 parking spaces. The proposed development and the neighbouring 3-house development would result in less parking provision and as such the vehicle movements would be less than could resume. The Highways Officer does not object to the continued use of the access and no improvements to visibility are considered necessary as the proposed development would result in fewer vehicle movements than could exist.
- 7.5.10 A **previous** neighbour representation noted that the Squires Gate access was less of a problem when the site operated as a pub, as it did not coincide with peak hours. This observation is noted however, it remains to be considered that because vehicle trips are not predicted to be significant during the peak periods, there would not be significant worsening on the surrounding highway network.

7.5.11 Neighbour representations **previously queried** why the un-named road to the north of the site cannot be used as the entrance to the development. If the use of the Squires Gate access was considered to be unacceptable then an alternative access might be pursued however, as this is not the case, then this option is not considered necessary.

7.5.12 Neighbour representations **were** made regarding the public transport sections within the submitted Transport Statement, in particular the accuracy of distances and walking times listed to public transport services. These comments are noted however, the sustainability of the site is not in question and no reductions in parking provision are being sought. It is possible that the Transport Statement does not accurately reflect terrain constraints when considering walking distances however, this is not material to the consideration of this application.

7.6 **Active Travel**

7.6.1 The Councils Active Travel Officer **previously** objected to the proposed development as they do not believe that cycling provision has been adequately considered. As set out in paragraph 7.5.9 it is considered that the cycle shelters proposed would be located in convenient, secure and accessible places. Each shelter would be adjacent to a footpath and would be a short distance from the canal Active Travel route (around 150m). Whilst dedicated or shared paths for pedestrians and cyclists are not provided within the development, there are very close connections with the existing highway network (which the applicant has no control over). It is not considered reasonable to require the applicant to make improvements to the existing highway network to improve cycle links to the canal given the scale of development and the short distance to the tow path. Overall it is considered that the proposed development meets the requirements of the Sustainable Travel SPG and would encourage the uptake of active travel.

7.7 **Existing and future residential amenity**

7.7.1 The New Dwelling SPG is the relevant guidance when assessing the impact of the proposed development on the residential amenity of neighbouring properties; and amenity provided for future occupiers. The main function of the SPG is to:

- i) To ensure that occupants of new dwellings have reasonable living conditions;
- ii) To ensure that new dwellings do not deprive persons in existing dwellings of reasonable living conditions; and
- iii) To protect the character and appearance of the natural and built environments.

7.7.2 *Reasonable living conditions for future occupiers:* the SPG sets internal space standards for flats and for a two bedroom flat with a communal entrance a floor space of 59 sqm is recommended. All of the proposed flats exceed this standard.

7.7.2 The SPG states that private or communal amenity space should be provided for flats. Private amenity space could be provided on balconies and where these are provided the desired space is 3 sqm. Six of the proposed flats would have balconies with a floor space of 2.8 sqm, which whilst marginally less than the desired standard, is considered acceptable.

7.7.3 The SPG recommends that for developments providing accommodation for between 41 and 60 people, communal amenity space at a ratio of 13 sqm per person should be provided. The submitted floor plans indicate that each bedroom could accommodate a double bed and as such each flat could potentially house up to 4 people (although, in reality this is unlikely). Excluding those flats with balconies the development could accommodate up to 60 people (15 flats x 4 people) and as such 780 sqm of communal amenity space is required (13 sqm x 60 people). The development would provide around 860 sqm of communal amenity space and this is considered acceptable.

7.7.4 Overall the proposed living conditions for future occupiers is considered acceptable.

7.7.5 *Protecting the living conditions of persons in existing dwellings – Internal Privacy:* To ensure the privacy of all residents are protected, suitable separation distance must exist between protected windows. The SPG sets a suitable separation distance of 21m, unless separated by permanent structures or evergreen trees protected by Tree Preservation

Orders. A protected window is one which serves a habitable room. The SPG defines a habitable room as any room used or intended to be used for sleeping, living, cooking or eating purposes.

- 7.7.6 The nearest residential properties to the proposed development are 201 Ruskin Avenue, 1 and 2 Stevenson Court; and 80, 81 and 90 Squires Gate. The side elevation of Block 1 would face towards the side elevations of 201 Ruskin Avenue. It is proposed to have small living room and kitchen windows in the side elevation of Block 1, it is proposed to obscure glaze these windows. There are no windows in the side elevations of 201 Ruskin Avenue and it is considered that there would be no loss of privacy to this neighbour.
- 7.7.7 Elsewhere there are no infringements of the 21m window to window separation distance except where there is a window in the side elevation of 80 Squires Gate. The rear of Block 2 would face towards this property and bedroom and bathroom windows are proposed in this elevation. However, given the likely internal configuration of 80 Squires Gate it is likely that this window serves a landing and not a habitable room. It is therefore considered that this neighbour's privacy would be protected.
- 7.7.8 Consideration is given to the relationship with the houses approved under planning permission 19/0709, which would be built adjacent to Block 3. There would be small living room and bathroom windows in this elevation, which are proposed to be obscure glazed. There are no windows proposed in the side elevation of the neighbouring approved development and therefore privacy would be protected.
- 7.7.9 *Protecting the living conditions of persons in existing dwellings – Privacy within gardens:* In order to prevent overlooking or perceived overlooking and overbearing effects developments must have a suitable separation distances between new high-level protected windows and adjacent back gardens. The SPG does not recommend what that distance should be for flats however, it does recommend for single dwellings that a back garden should extend at least 10m from the rear elevation high level window in order to protect the amenity within neighbouring gardens. It is considered that this principle is equally relevant to flats.
- 7.7.10 There are instances whereby the proposed development would have windows which face towards the private gardens of neighbouring properties however, in all cases except one, the distance between the windows and neighbouring gardens is in excess of 10m. The closest relationship is between the bedroom windows in the rear of Block 2 and the neighbouring rear garden of 201 Ruskin Avenue. These bedroom windows would align with the rear most part of the garden and are 14.3m away. Whilst the neighbour **previously** raised concerns over this relationship, it is considered acceptable and in accordance with the SPG.
- 7.7.11 The exception occurs between the side elevation of Block 3 and the nearest house approved under planning permission 19/0709; and also between the rear garden of 90 Squires Gate. There is around 3m between Block 3 and the side boundary of the approved development and the rear boundary of 90 Squires Gate. There would be first floor living room and kitchen windows in this elevation however, they are proposed to be obscured glazed. This is considered to be adequate mitigation to protect the neighbouring privacy. A condition is recommended to ensure the windows remain as such in perpetuity. There are no permitted development rights for flats and as such it would not be permissible to insert additional openings without first gaining planning permission.
- 7.7.12 *Protecting the living conditions of persons in existing dwellings – Overbearing effect on neighbouring gardens:* the SPG states that consideration should be given to the characteristics of the affect garden(s) including its size, orientation, likely usage, topography, existing neighbouring development and screening vegetation when assessing overbearing effects.
- 7.7.13 The closest relationship between the proposed development and neighbouring properties is that between the recently approved three dwelling development to the south east and between 90 Squires Gate. Block 3 would be 3m from the nearest approved dwelling however, this is a side to side relationship and the approved house would have a single storey projection closest to the shared boundary, which would screen the impact of the

proposed development when using the rear garden. It is considered that this would prevent the building being overbearing upon that neighbouring garden.

- 7.7.14 The side elevation of Block 3 would also align with the rear garden of no. 90 Squires Gate, it would be around 3m from the rear boundary. The rear garden of 90 Squires Gate is long, measuring around 25m in length. It is considered that with a garden of this length and with a building with an eaves height of 5.2m and with a hipped roof, this relationship would not cause an overbearing impact on the neighbouring garden.
- 7.7.15 Elsewhere it is considered that there is sufficient distance between neighbouring gardens and the proposed development to ensure that the proposal would not be overbearing. The occupier of 201 Ruskin Avenue **previously** raised concern that the proposal would be overbearing on their property. However, it is considered that given the scale of the development, which whilst slightly closer to this property, is only 700mm higher than the houses previously approved under permission 19/0587. The parts of the building closest to this property would be the lower parts of the roof slope. Block 1 would be 14.1m from 201 Ruskin Avenue and Block 2 would 14.3m away. The highest parts of the roofs would be a further 18m and 17.6m away respectively. It is considered that at these distances and given the scale of the buildings it would not represent overbearing development.
- 7.7.16 *Protecting the living conditions of persons in existing dwellings – loss of light:* the SPG sets out natural light tests for protected windows to ensure there is no unacceptable loss of light to those windows. It is considered that there would not be any neighbouring windows affected by a loss of light as a result of the proposed development. The occupier of 201 Ruskin Avenue considered that the applicant has not addressed the habitable room window to the rear of their property. It is noted that there are ground and first floor windows in the rear elevations of no. 201. These windows are orientated away from the proposed development and it is considered that there would not be a direct impact on these windows. There are ground floor windows in the side elevation of the rear projection. These windows would face towards the proposed development however, there is an existing boundary treatment in front of these windows which measures 2m in height. The applicant has also undertaken the 25 degree natural light test from the nearest point of this property and the test is passed. It is considered that light to the neighbouring property would not be adversely effected.
- 7.7.17 Overall it is considered that the proposed development would adequately protect existing residential amenity, in terms of light, privacy and overbearing impact.
- 7.7.18 The Head of Law and Regulation (Environmental Health) **previously had** no objection to the proposed development subject to conditions requiring the submission of a construction environmental management plan (CEMP), a requirement to investigate and remediate any unforeseen contamination and a restriction on the hours of construction. ***A CEMP has been submitted and approved under permission 21/1003. A condition is recommended to ensure compliance with the approved CEMP. The contamination condition is repeated and it is still considered that it is not necessary to restrict the hours of construction through a condition, as there are more effective controls of any nuisance generated through construction through the Control of Pollution Act 1974.***
- 7.7.19 A neighbour representation **previously** raised concern that the proposal will result in vehicle headlights shining directly into the lounge and bedroom windows of 1 Squires Gate. This property is located opposite the existing car park and this is a situation which could currently arise. It is considered that the proposal would not result in a worse impact.
- 7.7.20 Neighbours **were** concerned that the proposal would block neighbouring properties from afternoon sun. It is considered that the separation distances from neighbouring properties and the scale/height of the proposed buildings would prevent a material loss of light to the closest properties.
- 7.7.21 Local residents are also concerned about the disruption caused during the construction phase. The **implementation of the approved** Construction Environmental Management Plan would ensure that local residents are protected from construction activities.

7.7.22 A neighbour **was** also concerned that affordable housing will result in anti-social issues. ***The affordable housing units are no longer proposed.***

7.8 Design and visual amenity

7.8.1 It is considered that the existing buildings forming the Old Oak Stave do not have any significant design merit and in visual terms, they do not have sufficient quality to warrant their retention. The surrounding area is residential and buildings are two storeys in scale. There is a variety in design with a mix of materials.

7.8.2 The design of the proposed buildings has been amended in order to address concerns over the scale and massing of the proposal. It was originally proposed to provide 24 flats, with greater use of the roof space to provide accommodation. This resulted in taller buildings, with dormers in the front and rear elevations, including larger dormers in the front elevation. It was considered that this design was over-scaled and would be out of keeping with the two storey context of the surrounding area. The amended design has reduced the unit numbers, reduced the height of the apartment blocks, removed dormers from the rear elevations and reduced the number and size of dormers in the front elevations.

7.8.3 There **were** objections from the local community who considered that flats are not appropriate for the area. Many residents refer to the acceptability of the previous planning permission for part of this site, which involved the provision of 6 no. detached houses. It is recognised that the scale of the previous permission was most comparable with that of the surrounding area however, it should be noted that whilst the massing of the buildings are greater, their overall height is not significantly higher than the approved 6 house scheme. The applicant has provided an overlay of the previous dwelling scheme (overlaid red), in order to demonstrate that the proposed scheme is of a comparable height to that previously approved, see below:



7.8.4 It is considered that the scale of the proposed flats is not significantly different to the previously approved scheme, nor the scale of the properties in the surrounding area. The buildings are largely two storey in scale, with modest additions to the roof. It is recognised that the massing of the building is greater than the housing scheme, as there are no gaps between the building. However, it is considered that the use of render either side of the brick work allows the elevation to be broken up, thereby reducing the visual impact of its massing.

7.8.5 When considering the massing of the building, it is also worth noting that, whilst planning permission was refused for the 14/0336 scheme (10 no. apartments, within an L shaped building, sited on the car park), which was brought before planning committee in August 2014. The reasons for refusal did not relate to the design, scale or massing of the building. The applicant has also provided an overlay of that previous design (overlaid in red), in order to demonstrate that a building of greater massing was previously considered acceptable (see below). Whilst the height is less than currently proposed, it is not significantly different.



7.8.6 It is also recognised that the footprint of the buildings is greater than that of the approved housing scheme. However, as set out in paragraphs 7.7.1 to 7.7.18 the proposed development is not considered to be harmful to existing residents in terms of privacy, light or overbearing. The scale of the proposed buildings is considered to be comparable to the previous consent and the context of the surrounding. Overall it is considered that the design, layout, scale and massing of the proposed building would not be visually harmful, nor would it result in a form of development which appears out of character or at odds with the surrounding area.

7.8.7 The proposal involves the provision of a large expanse of car park. Good design would normally see parking provision integrated within the development in order to avoid such an emphasis on car parking areas. Whilst this isn't an ideal layout, it is considered that it would not result in a visual harm. It is proposed to retain the significant vegetation and trees, which provide screening along Ruskin Avenue. It is also proposed to provide additional planting at the entrance and within the car park, this would help to break up the hardstanding areas. Furthermore, given its current use as a car park, with much less landscape treatment, it is considered that the continued use of this car park would not be visually worse than that which currently exists.

7.9 Air Quality

7.9.1 The application site does not lie within an Air Quality Management Area (AQMA). The nearest area begins at the Ruskin Avenue/Cefn Road junction and covers a stretch of the road in an easterly direction. Neighbour representations **previously** raised concerns over additional air pollution as a result of increased traffic movements. The Air Quality SPG does not require an Air Quality Impact Assessment to be provided given the location of the site outside of the AQMA or a buffer zone and not adjacent to an A road. However, the Air Quality SPG does state that "it is important to recognise that even if a proposed development is not located directly within an AQMA, it could still have an impact on air quality. Increases in air pollution, due to road traffic, can impact on human health and in order to manage this risk all developments must be designed so as not to make matters worse through its construction and implementation".

7.9.2 As set out in paragraphs 7.5.1 to 7.5.5, the Transport Statement indicates that there would be a marginal increase in traffic movements during the am peak period, but overall the number of vehicle trips is shown to be significantly less than its fall back position. It is considered that the impact of the proposed development would not be worse than that which could exist. Furthermore, measures to reduce the impact on air quality during the construction phase would be **implemented through the approved** Construction Environmental Management Plan. Mitigation measures in the form of infrastructure to provide electric vehicle charging points would also be secured through a condition, in order to improve air quality.

7.10 Noise

7.10.1 The Council's Environmental Health Officer has no concerns regarding noise from or to the proposed development. The surrounding area is residential and noise sources are not considered to require mitigation. Any noise generated during construction can be mitigated

through measures **implemented through the approved** Construction Environmental Management Plan.

7.10.2 Neighbour representations **previously** raised concerns that the development would pose a significant increase in noise nuisance from multi dwelling occupancy and vehicles. The existing use of the site is as a pub/restaurant with a large car park. This use could resume at any time. It is considered that the provision of residential development, in a residential area would not result in unacceptable noise nuisance in its own right, nor would it be any worse than the existing use. Noise generated by vehicle movements is also considered to be no worse than the existing use.

7.11 Ecology

7.11.1 A Preliminary Ecological Assessment and bat survey have been submitted. They conclude that the site has low ecological value and there is no evidence of bat roosts. **The Councils Ecology Officer was previously satisfied with the surveys and their conclusions. The Ecology Officer now comments that the Preliminary Ecological Assessment (dated April 2019) is out of date and that it should be repeated with particular attention paid to assessing the bat roost potential of the buildings. The buildings have been demolished and as such there is no bat roost potential. The site is a working construction site and as such it is considered that there would no ecological value within the site. Additional survey work is not considered necessary.**

7.11.2 The applicant proposes the following ecological mitigation and enhancements across the site:

- bat bricks integrated into the gable ends of each apartment block;
- swift bird bricks integrated into the rear elevations of each apartment block;
- Igloo hedgehog homes;
- External wall lights to be low wantage from dusk till dawn;
- Pollen and nectar rich wild flowers as part of the landscaping scheme.

7.11.3 The Councils Ecology Officer is satisfied with the proposed ecological and mitigation enhancements. Conditions are recommended requiring the implementation of the ecological enhancement plan (plans condition) and the submission of a landscape method statement and management plan. **The landscape method statement and management plan condition is repeated. While information has been submitted to discharge this condition of permission 20/0696 and the Landscape Officer has confirmed in January 2021 that they have no objection to the discharge of this condition, it has yet to be formally discharged.**

7.12 Landscaping

7.12.1 It is proposed to provide a landscaped communal garden which would sit centrally within the proposed development. The garden would have a circular walk way through it, leading from the car park to the apartment blocks. Landscaping is also proposed to the sides, front and rears of the apartment blocks. This is in the form of lawn areas, hedges and shrubs. Hedges and shrubs are proposed within the car park and along the shared boundary with the neighbouring development. Wildflower planting is proposed within the existing landscape area in between the car park and Ruskin Avenue. New trees are proposed within the car park, communal garden and within the grass verge adjacent to the un-named road.

7.12.2 The Councils Landscape Officer considers the landscape proposals to be an attractive and welcoming scheme. The Officer requests the submission of a landscape management plan, which can be secured through a condition (**see paragraph 7.11.3**). The Officer requested details of tree pits sections, the applicant has provided these details, no further comments are made by the Landscape Officer. The Officer also queries whether the depth of top soil for the rain garden raised planter could be increased to ensure successful plant establishment. This information has not been provided and as such it is recommended to be secured through a condition. **This information has been submitted and approved under discharge of condition permission 21/1021. A condition is recommended to ensure compliance with this permission.**

7.12.3 The Landscape Officer also raises queries in relation to the drainage design and SuDS features. The Officer considers that these should be in line with the landscape strategy. The

scale of this development means that separate sustainable drainage consent would be required from the Council's Sustainable Drainage Approving Body (SAB) before any development could start. It is for the applicant to ensure that the proposed development, including its landscape scheme is in line with the drainage strategy. If amendments are required to the landscape scheme as a result of the drainage approval process then additional planning consents may be required. ***It is noted that SAB approval has been agreed.***

7.13 Trees

7.13.1 A tree survey, categorisation and constraints report has been submitted. The report recommends the on-going management of trees on site. It does recommend the felling of one tree, a Red Maple, which is located adjacent to the boundary wall of Stevenson Court. This tree is assessed as having significant crown dieback, with a short life expectancy. The Council's Tree Officer has no objection to the proposals subject to conditions to prevent the felling of any other existing trees, the submission of a tree protection plan, the use of root protection barriers and the appointment of an arboriculturalist. ***An arboriculturalist has been appointed and the relevant condition has been discharged under application 21/0999.***

7.14 Waste and recycling

7.14.1 In accordance with the Waste Storage and Collection SPG for a development with this number of flats the following waste provision is required:

- 4 x 660l bins for plastic, paper, card and cans
- 2 x 360l bins for glass
- 1 x 240l bin for food
- 120l per flat for landfill waste = 2,520l

7.14.2 It is proposed to provide two enclosed timber refuse stores, they would provide enough space for 6 x 660l bins, 3 x 360l bins, 3 x 240l bins and 3 x 1100l bins for landfill waste (3,300 litres). One refuse storage enclosure would be located at the end of the un-named road and swept path analysis of a refuse vehicle demonstrates that a vehicle can access the store and turn within the site. The other store would be located adjacent to Block 1, where a refuse vehicle can collect from Ruskin Avenue.

7.14.3 It is considered that the refuse storage areas would be in a convenient location for future residents and can be accessed by refuse vehicles. They would provide more storage than the requirements of the SPG, this is considered acceptable.

7.15.1 Drainage

7.15.2 Welsh Water confirm that there is capacity within the public sewerage network for foul discharges only. Separate consent is required for the sustainable drainage system and Welsh Water are a statutory consultee in that process. Given that there is a separate consenting regime for surface water it is not considered necessary to require any further details.

7.16 Security

7.16.1 The Gwent Police Architectural Liaison previously commented on the scheme during the public pre-application consultation (PAC). The Officer welcomes measures to increase the amount of habitable rooms overlooking the parking areas, along with the use of CCTV. To limit the potential for criminal damage within the car park it is recommended that there is a change in the road surfaces to the entrance and signage indicating that it is private and for residents only. These additional security measures can be secured through a condition.

7.17.1 Section 106 Planning Obligation matters

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

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
Regeneration , Investment and Housing	To provide an on-site provision of affordable housing or a commuted sum.	30% affordable housing units (6 x 2 bed units) to be transferred to a Registered Social Landlord (zoned to develop in Newport) at a price of 50% of ACG in accordance with policy H4 of the LDP.	Not agreed	Yes
Leisure	To contribute towards the deficit of “Equipped”, “Informal” and “Formal” play in the Rogerstone ward.	£44,367 to upgrade and maintain off-site formal play at Cefn Wood and informal play at land to the rear of Ruskin Avenue	£44,367 agreed	No
Education	For the provision and/or improvement of facilities at Mount Pleasant Primary School	A contribution of £38,068	£38,068 agreed	No

7.17.2 The applicant has agreed to the Head of Terms in relation to leisure and primary education as set out above. These contributions have not changed since the previous application.

7.17.3 The purpose of this additional planning application was to seek approval for the omission of 6 x 2 affordable housing units within the scheme.

7.17.4 S106 planning obligations are normally required to either carry out works or contribute financially towards measures that mitigate the impact of the development i.e. to make an unacceptable proposal acceptable in land use planning terms. However, economic viability is an important material planning consideration on the potential scope and scale of planning obligations.

7.17.5 Developer profit on open market housing will normally be a range between 15% and 20%, depending on risk and market conditions. An ‘open book’ viability appraisal was undertaken, concluding that profit falls below 15% if all s106 obligations are requested, but a profit at the lowest end of the range is achievable if affordable housing is removed. As such, the scheme is considered unviable in terms of making a contribution to Affordable Housing provision, but can still deliver the education and leisure obligations.

7.17.6 Overall it is considered that the affordable housing obligation could be waived, but the education and leisure obligations are requested, and agreed by the applicant.

7.17.7 Previous neighbour representations raised concern that there is already insufficient infrastructure in the Rogerstone ward and the local primary school is already at capacity. Many representations raised concern that the local doctors and dentist are also at capacity or have long waiting times for appointments. The proposed development has been assessed against the Planning Obligations SPG which sets the triggers and formulas for deriving contributions towards education, leisure and affordable housing. All of the above contributions are in accordance with those triggers and formula. The contributions delivered would be spent on local leisure facilities. It is considered that these contributions ensure that a sustainable development is provided.

7.17.7 The provision of doctors surgeries and dentist is not a matter that the applicant nor the Council can control.

7.18 Other matters

7.18.2 A number of concerns **were previously** raised by local residents, the majority of which have been addressed in the preceding paragraphs. The following paragraphs address those issues not covered above.

7.18.3 *The Pre Application Consultation report (PAC) not addressing the full nature of objections:* applicants are required to produce a PAC report with an application having undertaken that process. The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 is the relevant legislation to Pre Application Consultations. Article 4 states that applicants are required to include a summary of all issues raised in response to the statutory publicity and confirm whether the issues raised have been addressed. In response to the concern raised by the resident the applicant states that whilst they did summarise the comments raised by consultees and they consider that they addressed the highways objections in a general sense; they acknowledge that the PAC report could have been more specific in respect of specific comments. The applicant has updated the report. Neighbour re-consultations were undertaken following the submission of amended/updated information. No further comments were made in relation to the PAC. It is considered that PAC report meets the statutory requirements.

7.18.4 *The timing of the application during the Covid-19 restrictions has hampered the community to engage and respond with the application:* At the time this application was submitted the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 allowed people to leave home with a reasonable excuse, one of these being to travel for the purposes of work where it is not reasonably practicable for that person to work from where they are living. Welsh Government advice was that site notices could be displayed whilst complying with the Regulations. The Regulations apply to planning consultants, architects and other agents in the same way as planning officers. Welsh Government also advised that where pre application community consultation is required in advance of a planning application for major development, it is necessary for a site notice to be displayed. This aspect of the pre application process cannot be undertaken from home and is therefore a reasonable excuse to travel to the site.

7.18.5 The Planning Applications (Temporary Modifications and Disapplication) (Wales) (Coronavirus) Order 2020 ("the Amendment Order") came into force on the 19 May 2020. The requirement to make information available for inspection at a location in the vicinity of the proposed development was temporarily replaced. Instead developers were required to make all the information available on a website and send hard copies of the documents to any person who requests it. Site notices were required to be amended to reflect these changes. The applicant duly undertook these changes and restarted the consultation period with the community.

7.18.6 It is considered that the applicant acted in accordance with the Regulations at that time and in line with the advice from Welsh Government, who deemed these measures appropriate to keep the community involved in pre application consultation.

7.18.7 *Boundary ownership:* The applicant has signed Certificate A on the application form, which is a legal declaration that the applicant is the owner of all the land within the application site (red line). The Council may have highway rights over land which they do not own and as such they would undertake maintenance of that land.

7.18.8 *Users of the footpath would be impeded if the grass verge (adjacent to the un-named road) is removed:* the proposed parking spaces would not encroach onto the existing footpath, which would be retained. This arrangement is considered to be no different to a footpath alongside a road.

7.18.9 *The address is shown as Ruskin Avenue, there is no road access from that street, that is misdirection:* notwithstanding that address points are not a material planning consideration, it is considered that the planning application submission, including the plans make it clear where the proposed development would be located.

7.18.10 *The proposal will lead to the devaluation of property:* the impact on property values is not a material planning consideration.

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.

8.5 *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.

8.6 *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 and in accordance with policies SP1, SP2, SP9, SP12, SP13, SP18, GP2, GP4, GP5, GP6, GP7, H2, H4, T4, CF12 and W3 of the Newport Local Development Plan. It is considered that the proposed development would not have a harmful impact on existing or future residential amenity, highway safety, the character and appearance of the surrounding area or on protected species. It is considered that the proposal would deliver sustainable development through contributions towards education and leisure provisions; and ecological enhancements would be delivered across the site. It is recommended that planning permission is granted subject to conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS AND SUBJECT TO A s106 AGREEMENT WITH DELEGATED POWER TO REFUSE THE APPLICATION IF THE s106 AGREEMENT IS NOT SIGNED WITHIN 4 MONTHS OF THE COUNCIL'S RESOLUTION TO GRANT PLANNING PERMISSION

01 The development shall be implemented in accordance with the following plans and documents:

1478_P01, 1478_P02 rev A, 1478_P03, 1478_P04, 1478_P05 rev K, 1478_P06 rev C, 1478_P07 rec C, 1478_P08 rev B, 1478_P09 rev F, 1478_P10 rev C, 1478_P11 rev D, 1478_P12 rev C, 1478_P13 rev C, 1478_P14 rev C (Ecological Enhancements), 1478_P15, 1478_P19 rev F, 1478_P20 rev B, 1478_P21 rev B, 1478_P22 rev A, 1478_P23 rev B, 1478_P27 rev B, 1478_P28 rev B, 1478_P29 rev B, 1478_P30

DLA-1993-L-01-rev 08

DLA-1993-L-02-rev 12

DLA-1993-L-03-rev 02

DLA-1993-L-04-rev 01

DLA-1993-RPT-LMP-02-rev 1

Tree Survey, Categorisation and Constraints Report (Steve Ambler & Sons, March 2020)

Planning, Design and Access Statement (Simply Planning, September 2021)

PAC Report (Simply Planning, November 2021)

Transport Statement (Asbri Transport, October 2020)

Preliminary Ecological Assessment (Ecosupport, April 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

Pre- commencement conditions

02 All forms of development shall take place in accordance with the Construction Phase Health, Safety and Environment Plan rev 3 (amended and received December 2021) (CDM Consult) approved by application reference 21/1003.

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

03 The development hereby approved shall be carried out using the materials and finishes approved by application reference 21/0999.

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

04 Prior to the commencement of development a landscape method statement and management plan shall be submitted to, and be approved in writing by the local planning authority. The content of the plan shall detail how the Soft Landscape Scheme (drawing reference DLA-1993-L-02-Rev12) will be implemented and maintained, to include at minimum:

- a) Description and evaluation of features to be provided and managed
- b) Details of methods to create wildflower areas and initial aftercare to ensure establishment
- c) Prescriptions for ongoing management actions including a work plan capable of being rolled forward
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the development provides ecological net benefit as required in Planning Policy Wales Edition 10 and in accordance with policy GP5.

05 Prior to the occupation of the approved development, the rain garden raised planter shall be implemented in accordance with the details approved by application reference 21/1021.

Reason: To ensure successful plant establishment and to provide a sustainable landscaping scheme, in accordance with policy GP5.

06 No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until the Root Protection Barrier fencing has been installed in accordance with the approved Tree Protection Plan. No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area. All weather notices on Heras fencing, 1 per 10 panels, stating 'CONSTRUCTION EXCLUSION ZONE NO ACCESS' shall be erected. The fencing shall be retained for the full duration of the development, and shall not be removed or repositioned.

Reason: To protect important landscape features within the site, in accordance with policy GP5.

07 The development hereby approved shall be overseen by the Arboriculturalist approved by application reference 21/0952. They shall perform a Watching Brief for the duration of the development and shall be responsible for -

- (a) Supervision and monitoring of the approved Tree Protection Plan;
- (b) Once the barrier fencing is erected, the approved Arboricultural Consultant must inspect and "sign off" in writing and submit a copy of this to the Local Planning Authority stating that the protective fencing is in the correct location and is fit for purpose- this will be the first watching brief .
- (c) Supervision and monitoring of the approved tree felling and pruning works;
- (d) Supervision of the alteration or temporary removal of any Barrier Fencing;
- (e) Oversee working within any Root Protection Area;
- (f) Reporting to the Local Planning Authority;
- (g) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Council's Tree Officer.

Reason: To protect important landscape features within the site, in accordance with policy GP5.

Pre –occupation conditions

08 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.

09 Prior to the occupation of the development hereby approved the parking areas shown on drawing 1478_P05 rev K 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.

10 Notwithstanding the approved plans, prior to the occupation of the development hereby approved details of the cycle shelters shall be submitted to and approved in writing by the Local Planning Authority. The shelters shall include provision for the storage of a minimum of 7 cycles. The shelters shall be provided in accordance with the approved plans prior to the occupation of the development and retained thereafter.

Reason: To encourage the use of sustainable modes of transport, in accordance with policies SP1 and GP4.

11 Prior to the occupation of the development hereby approved the obscured glazing as shown in drawings 1478_P10 rev C, 1478_P11 rev D and 1478_P28 rev B shall be implemented and retained thereafter in perpetuity.

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

12 Prior to the occupation of the development hereby permitted the Ecological Enhancement Plan (Drawing Ref 1478_P14 Rev C) shall be implemented in full and shall be retained as such in perpetuity.

Reason: To ensure the development provides ecological net benefit as required in Planning Policy Wales Edition 10, in accordance with policy GP5.

13 Prior to the commencement of development details of car park security measures shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a change in the road surface at the entrance to the car park (Squires Gate entrance) and signage to indicate the car park is private and for residents only. The security measures shall be implemented prior to the occupation of the development and retained thereafter.

Reason: In the interests of security and in accordance with policy GP2.

14 Prior to the occupation of the development hereby approved the refuse storage areas as detailed in drawing 1478_P15 shall be fully implemented and retained thereafter.

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

General conditions

15 Other than the Red Maple detailed in the Tree Survey, Categorisation and Constraints Report (Steve Ambler & Sons) no existing trees shall be felled, topped or lopped, and no existing hedges shall be removed.

Reason: To protect existing landscape features on the site, in accordance with policy GP5.

16 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, in accordance with policy GP7.

17 No development, to include demolition, shall commence until a Tree Protection Plan (in accordance with BS 5837:2012) has been implemented in accordance with the Tree Protection Plan submitted by Steve Ambler and sons 31 March 2020. The development shall be carried out in accordance with the approved Tree Protection Plan.

Reason: To protect important landscape features within the site, in accordance with policy GP5.

18 The scheme of landscaping 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 shrubs 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, in accordance with policy GP5.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP9, SP12, SP13, SP18, GP2, GP4, GP5, GP6, GP7, H2, H4, T4, CF12 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 proposed development is crossed by a trunk/distribution watermain. Dwr Cymru Welsh Water has statutory powers to access our apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site. A 3m easement from the crown of the main in both directions should be observed and the ground cover above the main should not be changed.

4.

APPLICATION DETAILS

No: 21/1084 **Ward:** Graig

Type: Full (Major)

Expiry Date: 17th February 2022

Applicant: NCC Education

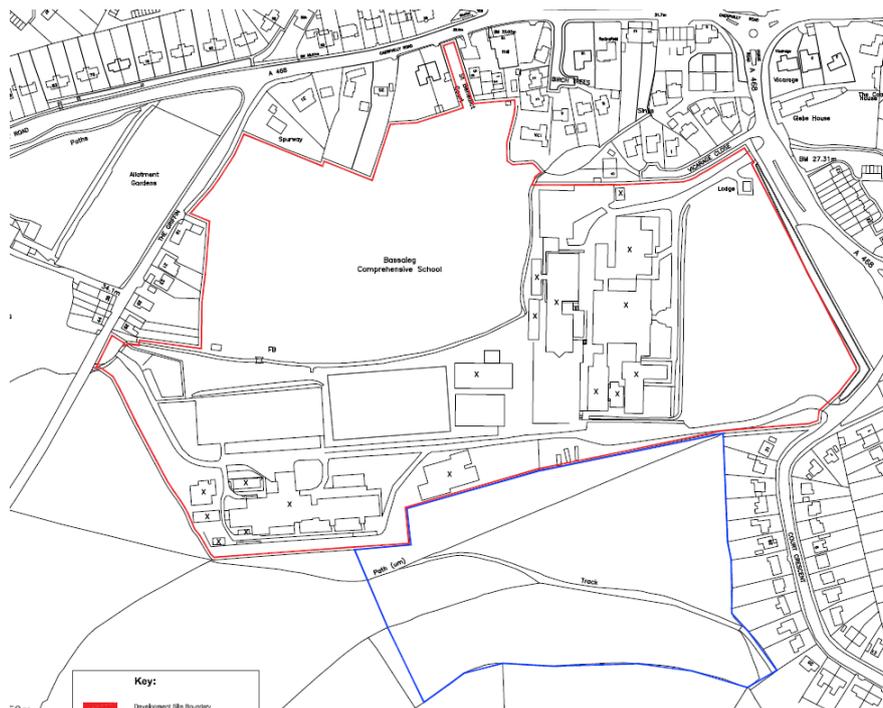
Site: Bassaleg School Forge Road Bassaleg Newport South Wales

Proposal: **DEMOLITION OF EXISTING STRUCTURES, PROPOSED NEW TEACHING BLOCK AND ASSOCIATED WORKS INCLUDING NEW CAR PARKING AND DROP-OFF ARRANGEMENTS, FLOOD LIGHTING TO SPORTS PITCH, SUSTAINABLE DRAINAGE, LAND REPROFILING AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 393/112**

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the demolition of existing structure and buildings, the construction of a new teaching block and associated works including new car parking, bus drop-off arrangements, flood lighting to a sports pitch, sustainable drainage, land reprofiling and landscaping.
- 1.2 Planning permission was recently granted by Planning Committee (July 2021) for two all-weather third generation pitches (3G) and improved grass rugby pitch and a multi-use games area. The flood lighting within this current application relates to the central 3G pitch.
- 1.3 The application is being considered by Planning Committee as the application amounts to a “major scheme” and it is Council owned land.
- 1.4 The application site is the existing Bassaleg Secondary School, located off Forge Road.



- 1.5 The school is currently near capacity, with an anticipated increase in demand for around 300 additional places in the future. The school buildings currently include a large number of demountable structures and outdated facilities, which would be removed and replaced as

they are no longer considered to be suitable learning environments. A new consolidated three storey teaching block would replace the various substandard structures. The works would be part of the Welsh Government and Local Councils' collaborative 21st century schools programme.

- 1.6 The application is accompanied with drawings which provide a detailed layout and design of the building and the associated development. A number of reports and assessments are also submitted with the application, including a Planning Statement, Acoustic Design Report, Air Quality Assessment, Archaeological and Heritage Assessment, Badger Survey Report, Desk Based Contamination Site Assessment, Ecological Impact Assessment, Flood Consequences Assessment, Drainage Strategy Report, Transport Statement, Travel Plan and Arboricultural Survey Report.

2. RELEVANT SITE HISTORY

93/1181	ERECTION OF DEMOUNTABLE CLASSROOM EXTENSION	Granted
97/0532	REPLACEMENT OF TWO SINGLE CLASSROOM DEMOUNTABLES WITH ONE DOUBLE CLASSROOM DEMOUNTABLE	Granted with Conditions
02/0594	CONSTRUCTION OF 2 NO. DOUBLE CLASSROOM DEMOUNTABLES	Granted with Conditions
03/0776	ERECTION OF 1NO. DOUBLE DEMOUNTABLE CLASSROOM	Granted with Conditions
03/0956	ERECTION OF DOUBLE DEMOUNTABLE CLASSROOM UNIT	Granted with Conditions
09/0796	ERECTION OF SINGLE STOREY PITCHED ROOF BUILDING TO PROVIDE CLASSROOMS	Granted with Conditions
10/0826	REPLACEMENT OF EXISTING 1.4M HIGH VERTICAL BAR FENCING WITH 2.4M HIGH VERTICAL BAR FENCING TO FRONT (CAERPHILLY ROAD) ELEVATION	Granted with Conditions
12/0617	ERECTION OF EXTENSION TO EXISTING CLASSROOM BLOCK TO PROVIDE 2NO. ADDITIONAL CLASSROOMS	Granted with Conditions
15/1009	REPLACEMENT BOUNDARY FENCE AND GATES	Granted with Conditions
19/0350	ERECTION OF DEMOUNTABLE CLASSROOM UNIT ON EXISTING HARD STANDING	Granted with Conditions
20/0335	PROPOSED TWO STOREY DEMOUNTABLE CLASSROOMS	Granted with Conditions

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** favours proposals which make a positive contribution to health and well-being and by being in sustainable locations.

Policy **SP3 Flood Risk** seeks to allow development away from areas of flood risk and minimising development that leads to flood problems elsewhere

Policy **SP4 Water Resources** favours developments that minimises water consumption, incorporates SUDs and generally manages water resources and drainage effectively.

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 **GP1 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 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 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 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 Quality of Design** states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

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

Policy **CE4 – Historic Landscapes, Park, Gardens and Battlefields** protects such sites against the impacts of inappropriate development. They are conserved and the policy promotes enhancement where possible.

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

Policy **T5 Walking and Cycling** states promotes the creation of a network for walking and cycling, including National Cycle Networks 47, 4 and 88.

Policy **T7 Public Rights of Way and New Development** states that any public footpath, bridleway or cycleway affected by new development will require retention or provision of a suitable alternative. Provision of additional routes and linkages with the existing network will be sought.

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 **CF2 – Outdoor Play space requirement** states that when development results in the loss of open space or there is a requirement for additional open space, provision in accordance with the Fields in Trust Standard will be sought.

Policy **W3 – Provision of 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 (Adopted)

- Air Quality SPG
- Trees, Woodland, Hedgerows and Development Sites SPG – January 2017

- Waste Storage and Collection – January 2020
- Wildlife and Development – August 2015
- Sustainable Travel 2020

4. CONSULTATIONS

4.1 NATURAL RESOURCES WALES: We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the document identified below is included in the approved plans and documents condition on the decision notice:

- Construction Environmental Management Plan (CEMP), Proposed New Sports Pitch Facilities, New Teaching block, and Site remodelling, Bassaleg School, Bassaleg, Newport, Author Tom Millard, Date: 27 October 2021.

4.1.1 Please note, without the inclusion of this document we would object to this planning application.

4.1.2 The proposed development is located in a sensitive location due to a watercourse running through the centre of the development site. The proposals include bridge crossings, with demolition and rebuild occurring close to the watercourse, which have the potential to adversely affect water quality. Therefore, appropriate pollution prevention measures should be employed during construction. We have reviewed the above detailed CEMP and supporting information submitted in support of the application. We are satisfied that the applicant has provided the requested information to address the concerns raised during our response to the statutory pre-application. We look forward to reviewing the Surface Water Management Plan and the Sediment Control Plan prepared by the contractor in due course, as stated in section 13.0. These plans should include all watercourses on site, pollution pathways and steps intended to be taken to mitigate against any and all pollution risks.

4.1.3 We note that the bat survey has confirmed one of the buildings to be demolished is a confirmed bat roost and that an EPS licence would be required. We request that an informative is attached to any planning permission granted which alerts the applicant to the requirements of a licence.

4.1.4 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. On the basis of the bat report, 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 its natural range. Therefore, we do not object to the proposal but in line with the 'Dear CPO' letter issued by Welsh Government on 1st March 2018, we request that the following informative is attached to any planning permission granted by your Authority:

Warning: An European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

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/permits-and-permissions/species-licensing/when-you-need-to-apply-for-a-protected-species-licence/?lang=en>.

4.2 SOUTH WALES FIRE AND RESCUE: The developer should consider the need for the provision of:-

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

- 4.3 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: We have consulted the regional Historic Environment Record and note that the proposal is located close to the projected line of the Roman road running from Caerleon to Cardiff (RR60b-02). However, an archaeological watching brief conducted in 2003 to the north of school noted a significant depth of made-ground (1.4m to 1.8m) over a buried topsoil. This suggests the ground level has been significantly built-up. Therefore, it is unlikely that significant archaeological remains will be encountered during the course of the development. As a result, there is unlikely to be an archaeological restraint to this proposed development. Consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.
- 4.4 DWR CYMRU WELSH WATER: We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.
- 4.4.1 The proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, and is strongly recommended that the developer engage in pre-application consultation with the Local Authority, as the relevant SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.
- 4.4.2 Should it be determined that SAB consent is not required, we request that if you are minded to grant Planning Consent for the above development that the following Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.
- 4.5 CADW (ANCIENT MONUMENT AND PARKS AND GARDENS): The application is accompanied by an archaeological and heritage assessment prepared by the Environmental Dimension Partnership which has considered the impact of the proposed development on the above designated historic assets and concluded that the proposed development will not have any impact. We concur with those conclusions.
- 4.6 NEWPORT ACCESS GROUP: No response.
- 4.7 NEWPORT CIVIC SOCIETY: No response.
- 4.8 WILDLIFE IN NEWPORT: No response.
- 4.9 FIELDS IN TRUST: No response.
- 4.10 REGIONAL AMBULANCE OFFICER: No response.
- 4.11 HEDDLU – GWENT POLICE: No response.
- 4.12 SPORTS COUNCIL FOR WALES: No response.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF CITY SERVICES (HIGHWAYS): I refer to the previous highway comments of 26 October 2021. The previous comments were made in some detail, and for ease of reference I include these comments in italics with any further comments in ordinary typeface. Where no further comments are provided the original comments should be taken to apply. The submitted Car Parking Plan, drawing (05) 1017 rev A, "the "Plan" is referenced throughout.
- 5.1.1 *The site is located off Forge Road, north of the roundabout junction between A467 Forge Road, Park View and Court Crescent. The site has 3 existing accesses from Forge Road, Court Crescent and The Griffin which will remain as existing and will be acceptable.*

- 5.1.2 *The applicant has submitted a Transport Statement which demonstrates that the proposals will generate between 31-51 additional vehicle movements equivalent to an increase of 1%-3% movements which will be unlikely to have an impact on highway capacity on the local network which will be acceptable.*
- 5.1.3 *Bassaleg School is located with Parking Zone 4 which requires the following level of parking provision to comply with Newport City Council SPG Parking Standards (August 2015):*
- 1 commercial vehicle space*
 - 1 space per member of teaching staff*
 - 1 space per 2 ancillary staff*
 - 1 space per 20 students over 17*
 - 3 visitor spaces*
 - Bus parking*
- 5.1.4 *The school currently employs 94 full time and 54 part time staff a total equivalent to approximately 121 full time staff. An additional 17 staff will be employed following the redevelopment providing a total of 138 staff. Assuming that 20% staff do not teach 109 staff would be teachers and 27 would be ancillary requiring 109 +14 = 123 spaces would be required for staff.*
- 5.1.5 *The Transport Statement 2.17 states that there will be 144 parking spaces with access being gained from Forge Road, however, the Design and Access Statement Part 3 of 7 Proposed Site Plan states that there will be 132 staff parking spaces and 16 visitor space providing a total of 148 spaces, whilst the Design and Access Statement Part 4 of 7 states that there will be a total of 159 spaces. The discrepancy should be addressed and a parking statement addressing the requirements of the parking SPG and the proposed parking.*
- 5.1.6 *At the north of the site, and accessed from Forge Road, the Plan shows a proposed a car parking area with 147 spaces. This is acceptable.*
- 5.1.7 *An additional 18 spaces accessed from The Griffin will be provided for the sports pitches which will be increase on removal of the demountable buildings and will be acceptable.*
- 5.1.8 *The Plan shows 31 community spaces. To include 2 disabled spaces, which would increase to 42 in 2024. This is acceptable.*
- 5.1.9 *Drawing (05) 1005 L Proposed Site Plan shows 148 spaces in the main car park at the north of the site which includes 5 disabled spaces. 5% of spaces should be marked for disabled users, therefore, an additional 2 disabled spaces will be required. Planning Policy Wales Edition 10 recommends the provision of 10% electric car charging points. The drawing shows 2 electric vehicle charging points (EVCP) which is not an acceptable level of provision. 15 EVCPs will be required.*
- 5.1.10 *The Plan shows 7 disabled spaces which is acceptable. I note the Agent's response relating to the quantum of electric vehicle charging points (EVCPs) which is limited to 10% of the number of new spaces. I also note that infrastructure would be provided for a further 10 EVCPs. Whilst I can understand the Agent's view my preference would be for the infrastructure (cabling / ducting) to be provided for a further 13 EVCP spaces, and not 10, to future proof this sustainable element of the development.*
- 5.1.11 *Drawing (05) 1005 L Proposed Site Plan also shows 19 spaces plus 2 disabled spaces at the south west of the site and a further 19 spaces at the south east of the site.*
- 5.1.12 *The above drawing has been superseded. The spaces at the south west of the site are community spaces discussed above. The purpose of the 19 spaces at the south east of the site is not detailed on the Plan and clarification should be sought as to their intended use.*
- 5.1.13 *The Newport City Council SPG Parking Standards (August 2015) requires that 1 parking space is provided per 20 students over 17. Details of the number of students over 17 attending Bassaleg School will be required and should be included in a parking statement.*

- 5.1.14 I note the Agent's comments relating to the number of sixth form students. I would seek clarity as to whether there is existing sixth form parking which if present should be provided for. In the absence of any existing provision the proposed car park at the north of the site has a modest parking overprovision and some spaces could be allocated to sixth formers.
- 5.1.15 *9 bus parking spaces are shown on Drawing (05) 1005 L Proposed Site Plan which will be acceptable.*
- 5.1.16 *The application will need to provide 1 cycle stand per 5 staff and 1 cycle stand per 6 students over 17 for long stay cycle parking and 1 cycle stand per 100 students for short stay cycle parking. Drawing (05) 1005 L Proposed Site Plan shows areas marked for proposed and existing cycle parking which should be enhanced to detail the location and number of stands. Short stay cycle stands should be located close to the entrance that they serve where they should be overlooked and secure.*
- 5.1.17 The Plan notes that a total of 65 cycle parking spaces would be provided. This is acceptable, but details should be sought either now or by condition.
- 5.1.18 *The applicant has submitted Construction Environmental Management Plans (CEMP) addressing dust, anti-idling, neighbours and nuisance and noise and vibration, however, A CEMP addressing traffic management measures will be required prior to commencement of works which should include:*
- *Site hours*
 - *Drawing showing contractor parking and off street parking facilities for all vehicles linked to the site*
 - *Drawing showing contractor compound including office, welfare facilities and materials storage.*
 - *Wheel wash facilities and road sweep*
 - *HGV routes to and from the site*
 - *HGV routes within the sit*
 - *HGV delivery hours avoiding peak hours and school hours*
- 5.1.19 *Should this application be submitted as a full application I would be unlikely to raise a highway objection subject to the applicant submitting revised documents addressing the above issues. A suitable condition should be applied to any approval to secure the CEMP.*
- 5.1.20 As a general point all car parking spaces should have a clear 6.0 metre deep vehicle manoeuvring area fronting the space to facilitate access and egress.
- 5.2 HEAD OF CITY SERVICES (LANDSCAPE): *Following amended and additional information: no objection subject to conditions and revisions. New information has been submitted, this has resolved landscape comments regarding mound 1 and 2 [plateau is confirmed at +1m] but all other comments remain as below.*
- 5.2.1 Layout: Bin store will be a continuous structure 20m x 5.3m with the long elevation onto the new teaching block formal entrance, with no set-back to allow softening using planting.
- 5.2.2 Trees: A Tree survey by TACP is submitted but there is no Arboricultural Impact Assessment. Although tree and hedge losses are shown on a separate plan by Wilmot Dixon, the arb consultant should provide an AIA and review the proposals. There may be a need for an Arb Method Statement where new works will impact on root protection areas. No Tree Protection Plan has been submitted.
- 5.2.3 Planting detail: Bin store – as above, recommend a review of planting to integrate and soften elevations. If the layout remains unchanged, is there potential for climbers, shrubs at end elevations.
- 5.2.4 Size at planting in the following areas could be increased to better soften elevations and/or make more early impact:
- (5no) Whips 0.9m at amphitheatre
 - LS trees 6-8cm within new car park and behind amphitheatre

- S/S trees 10-12cmg along path into new block
- Consider increase in plant size from 2L to 3L for shrubs eg lavender

5.2.5 Planting objectives to the north of the site are not clear:

- boundaries with residential – only some areas show new planting and some beds are very narrow, is the objective to provide a wildlife corridor or to soften views? Existing garden hedges outside the site are stated as managed and low, is screen planting required?
- Flood lighting – will the pitch be used and lit out of hours, if so can boundary planting be used to reduce impacts on overlooking properties?

5.2.6 The following are required and could be conditioned:

1. A soil resource plan should be provided to ensure all reusable topsoil and subsoil resources are identified, recovered and protected as part of the development planning process. Increasingly the soil resource is seen as an important element of carbon storage although there is no LDP policy to cover this aspect. The applicant is to confirm the topsoil and subsoil specification will meet BS8601:2013 for subsoil and BS3882:2015 for topsoil, with soil supply professionally tested and recommendations implemented to ensure successful establishment of planting.
2. A soft landscape maintenance and management plan to cover the 5 year establishment phase. Note that the wide use of textile mats with wildflowers and grasses is a risk if these do not establish well.
3. Planting detail: tree planting pit details including separate detail if used as part of SUDs scheme, and for 'structure tree pit in paving'. Outline specification for plant supply, topsoil/subsoil handling, planting, mulching etc.

5.3 HEAD OF CITY SERVICES (TREES): No objection subject to conditions which require the submission of a Arboricultural Method Statement and a Tree Protection Plan, along with the installation of Root Protection Barrier and protective fencing, a site meeting with the Tree Officer and the appointment of an Arboriculturalist.

5.4 HEAD OF CITY SERVICES (ECOLOGY): *First comments:* In general I support the methodology and conclusions of the EclA, and note that the recommended further surveys for bats and badgers have been completed. I have commented on these below and in other correspondence. I welcome that the EclA has considered the impact upon ecosystems as in sections 3.2.25, 4.1.30 and 4.2.13 etc, as advised by the 2.18 CIEEM EclA Guidelines, but for future reference I would draw the applicant's attention to the Chief Planner's letter to Heads of Planning of 23/10/19, in which he emphasised the point with the following:-

'The attributes of ecosystem resilience (PPW Para 6.4.9 refers) should be used to assess the current resilience of the site, and this must be maintained and enhanced post development. If this cannot be achieved, permission for the development should be refused.

5.4.1 Ecological Enhancement: I welcome that reference has been made to the need to secure ecological enhancements as part of this scheme, for example at section 6.1, and am satisfied that these have been adequately reflected in the landscaping for the site, for example in section 2.6 of the DAS. The EclA, and in particular Section 6 thereof, should be listed among those documents which the development should be carried out in accordance with as required by planning condition, if consent is granted. In particular, I would like to see provision of bat roosting boxes and bird nesting boxes within the school grounds and in the new building itself. In terms of specific enhancement features, nesting or roosting opportunities for birds and bats should be incorporated into new build in accordance with the advice given in 'Designing for Biodiversity: A Technical Guide for New and Existing Buildings, Second Edition. RIBA Publishing, London. Gunnell, K. et al., 2013'. or most recent subsequent edition thereof. More specific details of appropriate levels of provision of nesting/roosting opportunities are given in the TCPA's 'Biodiversity Positive: Eco-towns Biodiversity Worksheet 2009'. The applicant's ecologist can advise on the make and model and suitable positioning of these features. Bat / bird boxes such as these are readily available commercially, are inexpensive, and can be tailored to the style and colour of the finish of the buildings. Features which are integrated into the buildings rather than attached

to the outside are preferable as they are more secure in the long-term and less prone to interference by the public.

- 5.4.2 Bats in Trees Assessment: I support the methodology and conclusions of the Bats in Trees Assessment dated August 2021 and advise that the precautionary mitigation measures set out in sections 10.4 to 10.9 inclusive, 10.13, section 11 and Section 13 are secured by a planning condition to ensure compliance with policy GP5.
- 5.4.3 Bat Survey of Buildings: In relation to the bat survey of the buildings on site, again I support the methodology and conclusions as set out in the Bat Survey report dated August 2021, though I have a minor query over the categorisation of the Griffin Building as having 'low' bat roost potential.
- 5.4.4 As set out in the report, one pipistrelle bat was seen emerging and returning to the Drama building, indicating the presence of a bat roost. In accordance with the NRW Approach to Bats and Planning Good Practice Guide 2015, this roost constitutes a 'Low Risk Case', and so the standing advice is that we do not need to consult NRW on this application. This is with the proviso that the recommendations of a suitable bat survey report are implemented. A suitable bat survey report is defined as '*a report (should be) suitable for the purpose of assessing effects of the development on bats using the site and recommend effective measures to avoid or mitigate negative effects.*'.
- 5.4.5 In this instance, the Bat Survey report does not set out in detail any effective measures to compensate for the loss of a roost, other than to suggest in section 9.8 that '*New crevice dwelling compensation must be added to the final plans prior to the submission for planning permission. This must be discussed and agreed between a suitable qualified ecologist and the architect.*'. This being the case, and in the absence of these details, I cannot advise that the Bat Survey report constitutes a 'Suitable bat survey report' in the context of the NRW guidance referred to above.
- 5.4.6 Furthermore, section 9.6 states that a methodology for the mitigation of impacts upon bats will need to be provided to NRW in order for them to issue the required EPS licence. Whilst this may be the case, it is also true that Newport City Council has a duty under reg. 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) to have regard to the provisions of the Habitats Directive in the exercise of its functions, those provisions being to secure the protection of species such as bats.
- 5.4.7 Therefore we should really see the details of the mitigation provided in respect of bats, as part of the application, and secure its implementation by planning condition. That mitigation includes details of any precautionary mitigation measures for the demolition of buildings which had bat roost potential, but which did not support bat roosts at the time of the survey, as well as of measures to compensate for the loss of the roost.
- 5.4.8 Survey Shelf Life: Bat surveys reports such as the one submitted have a finite 'shelf-life', and as a general principle survey work which is more than 18 months old will be regarded with caution, as certain species may colonise or leave an area in the interim period. Guidance on this issue is set out in the CIEEM advice Note On the Lifespan of Ecological Reports and Surveys from April 2019. This document advises that particularly in the case of mobile species such as bats, surveys greater than 18 months old will have to be repeated. Therefore we should attach a planning condition stating that survey work should be repeated if demolition hasn't taken place within 18 months of the date of the most recent survey. This condition is based closely upon the draft condition set out in section D.5.2 of BS42020 the British Standard for Biodiversity
- 5.4.9 A condition such as this is particularly relevant in this instance because many of the buildings showed low or moderate bat roost potential, in the form of access points that bat could use to enter the roofs, which could be exploited by bats over time.
- 5.4.10 *Second comments following submission of revised Bat Survey Report*: The new version provides additional detail from section 9.9 onwards, and sections 9.9 to 9.19 set out in sufficient detail the proposed mitigation, compensation and enhancement measures in respect of roosting bats and nesting birds.

5.4.11 Therefore, I advise that the Bat Survey report version 2.0 is a suitable bat survey report in the context of my previous comments, and that we should accept this report in support of this planning application, provided the mitigation measures are implemented in full. We should use a planning condition to secure their implication in accordance with Policy GP5.

5.5 **HEAD OF CITY SERVICES (ACTIVE TRAVEL AND PUBLIC RIGHTS OF WAY):**
Active Travel Links: Newport City Council is currently developing a shared use link from Court Crescent into the school site as part of its ongoing Active Travel development works. Although the majority of these works fall outside the application site boundary, there will be inevitable crossover to ensure an adequate connection into the school site. This connection is not referred to within the planning documents and some drawings show contradicting locations, referring to them as pedestrian entrances only. This should be addressed and corrected appropriately within the designs. Furthermore, there appears to be a bin stores located near to this shared use entrance which will inevitably detract from the appeal of this entrance, and could dissuade students and staff from adopting more sustainable means of transport to the site. The location of these bins stores should be reconsidered.

5.5.1 Cycle Storage: Cycle storage should be located close to entrances and be overlooked and secure. Referring back to the above link in development there appears to be no cycle storage located at this entrance, meaning cyclists entering the site from this location will be required to travel through the site in order to securely store bikes which is unacceptable. Cycle storage provision should conform to the requirements set out in the Sustainable Travel SPG as a minimum.

5.5.2 Travel plan: The scale of the development warrants the production a Travel Plan which sets out a package of measures, initiatives and targets aimed at reducing single-occupancy car use and promoting more sustainable travel choices as detailed within the Sustainable Travel SPG.

5.6 **HEAD OF CITY SERVICES (DRAINAGE):** No response.

5.7 **HEAD OF CITY SERVICES (WASTE):** No response.

5.8 **HEAD OF LAW AND REGULATION (ENV. HEALTH):** I have reviewed the application submission including the acoustic assessment by Rambol, floodlighting desin and draft CEMP information. The submissions are satisfactory in environmental health terms and I do not offer any objections to the application. I suggest the following conditions should you be mindful to grant the application.

- Details of the sound power output amd octave band levels of the plant and the exact location of plant to be submitted;
- External artificial lighting shall not exceed lux levels or vertical illumination at neighbouring premises;
- Demolition method statement and construction management plan to be submitted.

5.9 **HEAD OF LAW AND REGULATION (AIR QUALITY):** No response.

5.10 **HISTORIC BUILDINGS AND CONSERVATION OFFICER:** No response.

6. REPRESENTATIONS

6.1 **NEIGHBOURS:** All properties within 100m of the application site were consulted (170 properties), a site notice displayed and a press notice published in South Wales Argus. 5 representations were received raising the following:

- Concerned that Griffin Lane is ill coped to handle the volume of traffic, plant and pedestrians even on a temporary basis.
- The works access could be intrusive, noisy and disrupt the flood prevention measures that were constructed in the school grounds to deal with the frequent flooding of the Griffin Lane.
- The pupil entrance off Griffin Lane is accessible from a narrow pavement and now causes a visible onstruction and hazzard to traffic accessing my driveway (19 The

Griffin). The pavement is at the end of a short layby which is not sufficient to deal with the volume of pupil drop off and collections, thus compromising pedestrian safety.

- Insufficient on-site parking or drop-off/pick-up provision; local streets are full in the afternoon collection window with parents and guardian's vehicles.
- The pitch lighting will be intrusive and greatly impact on the local environment and the quality of life of neighbours from the intrusion into their properties of the illumination.
- No works should commence, until Bassaleg Bridge is repaired and temporary traffic management measures removed.
- We really do not need any more vehicles using the roundabout on A467 at peak times.
- The public bus lay-by must not be used for dropping off pupils at all times, especially in the silent hours, when returning from trips; this must be within the campus.
- Bus shelters should be provided at the three Caerphilly bound stops closest to the school.
- There needs to be provision for pupils' cars to park on site and not clog local streets.
- Bassaleg is a small village and it is hard to accommodate additional numbers of learners when the infrastructure is not able to expand simultaneously for the additional vehicles this will bring. The single road in and out of the village is already under pressure from vehicles travelling to and from Caerphilly and other towns, to add more vehicles to this would be a further burden on the roads and pavements, peak times in Bassaleg are very busy already.
- The school, local authority and governors have a responsibility to residents to consider our views and cap the number of learners who attend the school due to these traffic issues.
- The air quality should also be considered as it will be affected by more cars.
- In my road (Churchmead), several sixth form students park their cars, often without considering residents access. The plans don't refer to a significant increase in parking and do not specify if this is for learners with cars or for additional staff to teach the additional learners.
- Object to any plans that change, reduce or remove a public right of way as the village has so much privately owned land.
- Concern with regard to prolonged community use of the sports pitch and floodlights as this could negatively impact on the enjoyment of my garden and home (25 Caerphilly Road). I have concerns about noise and light pollution as well as security and privacy issues. The response to my question about whether the patchy low boundary hedge between the school and my garden could be improved, was that NCC considered it adequate. I would appreciate an assurance this could be revisited once the facility is up and running with a view to mitigate any negative impact, in the event this is not my experience. Although there are trees in my garden, with the exception of a small holly in the corner at the bottom, they are deciduous so in the winter will not provide an effective screen.
- Although the lights are individually adjustable, i.e., dimmed, if, for example, a training session is on school side of the pitch rather than near my garden & others on the northern boundary, this will be dependent on who is managing the facility. Is this issue one of management rather than planning?
- You have failed in your development of the area over the last fifteen years with more and more housing development to provide another Secondary School for 1000 pupil in the Rogerstone Area at a cost of £17 million. This would have greatly reduced the traffic implications going forward and would not have resulted in the present unacceptable situation that the Bassaleg community finds itself.
- Failure to act regarding the traffic grid lock mornings and afternoons.
- The travel plan is totally inept and has taken the view of looking at other schools as giving the correct solution because Bassaleg School was closed at the time.
- Failure to act regarding the pollution levels at 300% above the legal maximum.
- Failure to provide a footbridge for pupils to cross over the roadway outside the school instead of the Pelican crossing so reducing the traffic jams.
- Failure to address the noise pollution at break times from the excessive number of pupils on the front playing field within 12m of residential properties. However, noise

pollution from the passing traffic was looked at and were prepared to apply the necessary measures to reduce this for the pupils wellbeing.

- Failure to address the unacceptable levels of parents cars morning and afternoon in Court Crescent.
- Failure to address teachers parking in Court Crescent.
- Failure to address 6th form pupils parking in Court Crescent and additionally parking in the turning circle in Forge Land making it unusable for delivery vehicles to turn around.
- Failure to address pupil safety in Court Crescent, they have to manoeuvre around moving vehicles. The side gate from Court Crescent should be closed so that pupils have to use the designated crossing at the entrance to Court Crescent and continue along the front of the school and enter through the main gate. The gate is now indicated as being used again in this application but the access was removed in the Statutory Notice.
- Why have you 268 pupils out of the catchment area which is highly likely the sources of a lot of the parents cars.
- Now that you have announced the provision of £98 million New College for Post 16 education then 329 sixth form pupils will have vacated the school along with another 1300 pupils from the other secondary schools when this facility is opened.
- A report by the department of education concluded that schools with pupil numbers above 1500 failed in all aspects of the schools infrastructure.

6.2 GRAIG COMMUNITY COUNCIL: In principle it does support this much needed upgrade of the school but feels many issues the ward already experiences as the school has grown needs to be addressed prior to work commencing. Council is aware that many residents - whilst supporting the upgrade in principle too, believe they have not had the opportunity to put forward their concerns because the initial consultation was not widely enough publicised, and they were not aware of how to make submissions.

6.2.1 There are many concerns regarding this application. The site backs onto, or directly affects over 150 properties, but also affects all Graig's other residents and the wider communities that travel through the village.

6.2.2 This is a large and complicated application with many aspects to be considered. It should be noted that many of the very real issues which are being experienced and have been in existence for many years as school pupil numbers have risen, will be much further exacerbated unless they are given priority and resolved.

6.2.3 Parking issues within the vicinity of the school, particularly by 6th form students: Parking has been a massive issue for many years. 6th Form pupils often have cars and drive to school, so need to park. Since the former 6th Form parking area off The Griffin in the school grounds was abandoned by the school some years ago, the sheer numbers of cars being used dictates that pupils can only find spaces by using surrounding residential streets. Inconsiderate parking has led to the narrowing of residential areas where refuse lorries and emergency vehicles would be unable to pass or turn, make it difficult for residents to park and sometimes even blocking driveways. Now, the former parking area does not even appear on the new plans. Dedicated parking for 6th Form cars is essential, but there is no allocation in the application to address this. Currently, 6th form pupils are known to park in numerous residential areas but in particular: Court Crescent, Forge Lane, The Griffin, Vicarage Close, Graig Community Centre car park, alongside St Basil's Church on Caerphilly Road, Churchmead, Station Approach, Birch Trees and in the time restricted parking areas around St Basil's stores at Laurel Road/Church Crescent.

6.2.4 *Possible solutions:* Council asks that consideration be given to re-instating the original car park and enlarging it to take as many cars as possible. It was originally abandoned because the school were concerned there was no security fencing and gate to prevent unauthorised access to the school. This could be easily overcome by fencing off the area and using a security access system for those allowed to gain entry once parked up. Issue subsidised/free passes/buses.

- 6.2.5 Increased volume of traffic at start and end of school day/General traffic management/ safety concerns about Bassaleg Roundabout following the Welsh Government's recent upgrade: Traffic flow through the villages of Bassaleg and Rhiwderin are badly affected at school start and end times. Movement of traffic through the villages is generally high at all times of the day but is at a standstill or creeps through the villages for an hour before and an hour after school starts and finishes. It is not unusual to see traffic backed up from Bassaleg Roundabout to the Rhiwderin Inn at Rhiwderin eastbound, backed up on the A467 southbound back to the Jubilee Park/Rogerstone exit, and Forge Road northbound back to J28. This has been the case for many years as the school has grown and local housing developments increased. This has impacted on the volume of traffic in general and added to even more parents taking children to/from school by car. The busy pelican crossing outside the main gates and the traffic lights on Bassaleg roundabout disrupt the flow of vehicles travelling in both directions. The sheer volume of traffic encourages drivers to use rat runs elsewhere causing their own issues in order to try to get to work on time for example. Vehicles park on both sides of The Griffin which interferes with pupil's safe routes to school and traffic flow as this is a rat run to and from Cardiff especially at times the main route is congested. Laurel Road running through Bassaleg's housing estate is also a rat run as vehicles try to get ahead of the built-up traffic on Caerphilly Road eastbound increasing safety risks for pupils walking to school from the estate.
- 6.2.6 Parents picking up/dropping off pupils congest the roads for long periods in the areas of Carnegie Court estate, Park View, Court Crescent and The Griffin to name but a few. Parents of Carnegie Court are concerned for their children's safety when walking to school with all the extra traffic in their area. Parents picking up arrive up to an hour prior to pick-up to find a good spot to park.
- 6.2.7 *Possible solutions:* Council suggests more priority be given to traffic management. Bassaleg roundabout now experiences the same issues as the former J28 roundabout with traffic travelling southbound on the A467 to turn off to Court Crescent or Bassaleg. Cars become stuck in 'no man's land' due to the traffic light controlled very short section of the roundabout just past the southbound exit to Forge Road. This is both very dangerous and prevents traffic from the A467 southbound outside lane from passing the waiting vehicles to continue travelling along Forge Road. A better and safer solution is desperately needed for this roundabout.
- 6.2.8 Council had previously suggested that the pelican crossing outside Bassaleg School main gates could be replaced with a pedestrian footpath, eliminating the need for disrupting traffic flow, but this was not seen to be considered. Could this be explored further as a better solution to the crossing?
- 6.2.9 The bus stop pull-in outside the main gates of the school on Forge Road is always littered with parked cars waiting to drop-off/pick-up pupils and public buses are unable to pull in to drop passengers. Passengers have to alight onto a grass verge between parked cars and moving traffic. Another dangerous practice which further exacerbates the congestion. A solution is needed to direct school traffic away from the public roads and onto school property. A dedicated pick-up drop-off area is needed inside the school curtilage would keep surrounding roads from suffering the present levels of congestion and reduce parking issues, congestion and aid safety. Council is aware there is City Council owned land at the rear of the school which is not part of this application, but could be utilised if these suggestions cannot be accommodated on the currently proposed site. Consider subsidised/free bus travel for pupils. Encourage the use of public transport by giving subsidised/free passes/buses to pupils. This fits with the Active Travel Plan and use of electric buses would also fit in also with the City's Climate Emergency policy.
- 6.2.10 The new layout of the layby outside the front of the school: The lay-by at the front of the school cannot accommodate the amount of school traffic being generated, as mentioned it is always littered with vehicles. This is dangerous for pedestrians, pupils coming from school having to manoeuvre between stationary and moving vehicles and bus passengers.
- 6.2.11 *Possible solutions:* Consider extending the present bus bay and layby along the school perimeter to join up with the Court Crescent junction of the roundabout to give more parking and direct school traffic off Bassaleg Roundabout at the earliest opportunity.

- 6.2.12 Impact of proposed floodlighting on residences adjacent to school: Council is concerned about any impact the lighting the central sports pitch will have on residences surrounding the school. In particular, the homes on The Griffin, Birch Trees and Caerphilly Road where the homes border the pitch area. This pitch is earmarked to also be used outside normal school hours and many residents have their main living and sleeping quarters at the rear of their properties. Any light pollution will greatly affect everyone. It appears Environmental Health have not objected, but Council is aware that some details for the lighting columns have not yet been submitted which could affect how the lighting will perform.
- 6.2.13 *Possible solutions:* Consider a condition to the application that will ensure the columns are kept to the minimum height required, and any light source is directed onto the pitch surface only to eliminate any beams of light affecting residential homes. Consider a condition that the pitch is only to be used until an appropriate time each evening and on weekends to lessen the impact on residents.
- 6.2.14 Air pollution: All the issues with traffic management as mentioned above has led to areas of Bassaleg having very high pollution rates, especially along the A468 Caerphilly Road. Monitoring at The Ruperra pub and in the area of the Post Office have already been flagged at high levels by the City's Environmental Officer and has needed to be reported as required. This is worsening as time goes on. The A468 is a busy trunk road serving areas of Caerphilly and also Bedwas, Trethomas, Graig-y-Rhacca and Machen. There are industrial estates in Bedwas and a stone quarry in Machen which generates heavy commercial traffic, almost all of which travels through Rhiwderin and Bassaleg. The quarry lorries in particular are large in size and number. Many cars from further up the valley also use the A467 to access Newport and the M4, adding to the congestion and pollution. Adding additional pupils to the school has generated a lot more traffic and will in future add even more. This is making the village's pollution issues even worse, and the congestion means cars and lorries are idling or slow moving at regular times, again, worsening the situation.
- 6.2.15 *Possible solutions:* Removing the school traffic will ease the issues. Consider additional parking for the school 6th form drivers, put large pick-up drop-off points in the school grounds and encourage more use of the City's Active Travel Plan initiatives. Improve the safe routes to school so parents can be reassured their children are safe walking which will in turn reduce traffic. The current routes to school from almost all areas of the school catchment serving both Bassaleg and Pentrepoeth Schools are particularly poor or non-existent. Just 2 examples of this is the route from Afon Village where parents are expected to allow their children to walk along the riverside on a substandard path that is secluded, unlit and at present is closed because of river erosion to the path, and another is along Caerphilly Road from the Friendly Fox pub to the Ruperra pub which is a very busy trunk road including LGVs and quarry lorries driving very close to the pavement's edge which has no railing protection. The footpath is narrowed due to bank erosion debris and was earmarked as sub-standard over 20 years ago. Again, consider subsidised/free bus travel for pupils. Encouraging the use of public transport or giving subsidised/free passes/buses to pupils which fits with the Active Travel Plan, use of electric buses would also fit in also with the City's Climate Emergency policy.
- 6.2.16 Noise pollution: Obviously, construction noise, vehicle noise and increased pupils will all have an impact on noise pollution in the general school area. As will increased noise during the evenings if the sports pitch is opened to public use.
- 6.2.17 *Possible solutions:* Consider imposing conditions on noise from construction and limit to appropriate hours, limit out-of-hours use of the sports pitch to appropriate hours.
- 6.2.18 Litter around the school and community: Litter from the school is an ongoing issue at present and with larger pupil numbers is likely to be increased.
- 6.2.19 *Possible solutions:* Consider conditions that ensure a suitable way to address this issue is found and becomes routine.
- 6.2.20 Flood potential: Council is aware that The Griffin and the homes along it were subject to flooding from a small stream on the site and rainwater coming from the school. This has been addressed and is no longer an issue at present. Residents are concerned that proposed

changes to the pitches could impact on the previous flood prevention actions taken and this could become an issue once more. This is something that could perhaps be checked to ensure the old problems do not recur.

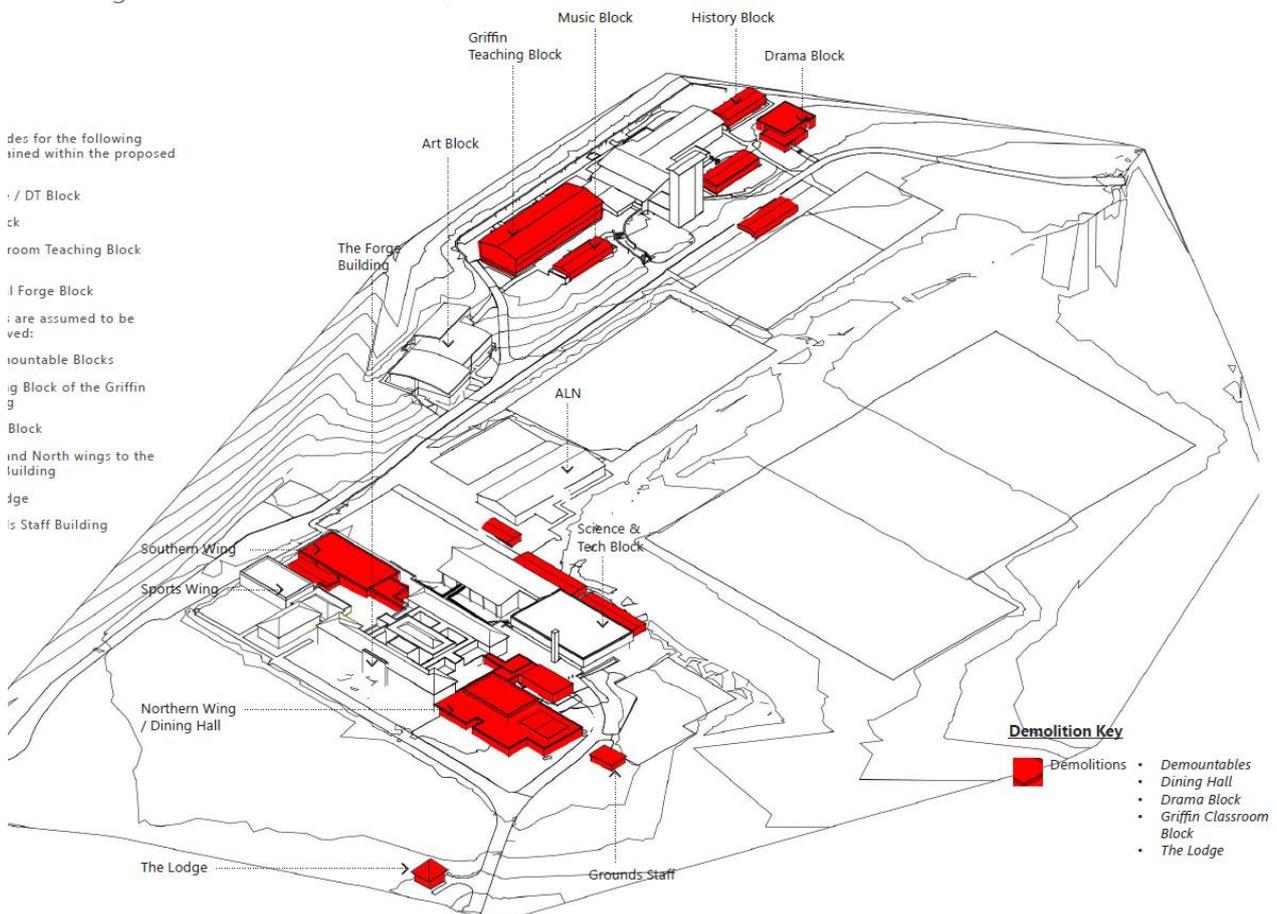
- 6.2.21 Council feels this application seems not to have been designed with the impact on residents or the current traffic management issues being a major concern. Indeed, Council suggests the notion of this application could be considered to be disingenuous and duplicitous. It has also been noted that the school would only be upgraded on the understanding it would include taking more pupils. At the initial consultation stage, my Council requested (and also offered to host at our community centre if necessary), a public consultation to give residents the opportunity to speak to the planning consultants and to study the plans. This was not taken up even though it could be carried out in a Covid-safe manner. My Council submitted concerns to the planning consultants at the original PAC stage and offered solutions and ideas for most of the issues. When the consultant's reports were published, Council were extremely perplexed that it's comments and solutions were barely recorded.
- 6.2.22 Council asks that as Newport City Council has expressed and advertised the wish of becoming net zero on pollution, it should prove it is doing all it can to reduce congestion by standing by these principles. That they allow Afon Village and Mount Pleasant pupils to have free school bus travel, especially on the electric buses that are being introduced. This would much reduce congestion, give parents the reassurance their children are travelling safely to and from school - therefore reducing the number of parents using their cars to do so, and assist with parking issues.
- 6.2.23 Council implores in the strongest terms, that as restrictions have eased so much, a consultation with residents must be carried out as soon as possible. This should be held at Bassaleg School, but if this is not possible, then Council's offer still stands to use Graig Hall. This is a huge development for a small village and residents have had very little opportunity to have their views taken into consideration. Council can see no reason why socially distanced consultations with residents cannot take place. Even if it leads to short delays with the planning process, it is felt that moving forward with resident consultations taken account of, would make for a much smoother process that residents would be supportive of rather than feeling they have been ignored.
- 6.2.24 In general Council agrees the site is in desperate need of upgrading, but this should not be at the expense of good design, consideration of the setting of the site and the effects it will have on the surrounding neighbourhoods. This will be the single largest development in the area in many years, and residents will have to live with the outcome for many years into the future, yet they have not been consulted properly. To rush through this application in its current form could lead to many more issues long term. Our City Councillor Mayor David Williams wishes to address the Planning Committee when this application is being determined and will write to the Planning Department to facilitate this.

7. ASSESSMENT

- 7.1 Bassaleg School is a long established secondary school. The purpose of this planning application is to provide updated and new school facilities in order to address deficiencies in outdated buildings and to accommodate a projected capacity of 2,050 pupils, which is an additional 287 pupils to the current school capacity.
- 7.2 The main focus of the proposal is a new three-storey building located centrally within the site, which would replace an existing dated artificial surfaced sports pitch. Planning permission (21/0360) has already been granted for improved sports facilities including two 3G pitches, an improved grass pitch and a multi-purpose pitch. The proposal would include the removal and demolition of existing structures across the site. This includes a number of demountable classrooms, which have been put in place over the last three years in order to urgently address the immediate increase in demand for school places. The applicant states that these demountable structures were solely a temporary solution and were used in the knowledge that they would be removed if the current application were approved. The applicant also states that this planning application seeks to avert the need for any more temporary structures, by providing a purpose-built facility to accommodate all of the anticipated foreseeable demand for school places.

7.3 The proposals

7.3.1 **Demolition:** It is proposed to remove or demolish a number of existing structures and demountable buildings. The plan below highlights which buildings/structures would be removed.



7.3.2 As mentioned in paragraph 7.2 some of the demountable units to be removed were temporary solutions only. Other longer term structures and buildings would be demolished as they are no longer fit for purpose, they would facilitate improved facilities in terms of on-site parking or social spaces for pupils and their facilities would be provided within the new teaching block.

7.3.3 The Griffin teaching block and music block would be demolished and replaced with a wildflower landscaping area.

7.3.4 The history block and drama block would be replaced by an outdoor classroom performance space.

7.3.5 The southern wing of the Forge building would be replaced by an outdoor social space for pupils.

7.3.6 The northern wing/dining hall of the Forge building, and the grounds staff building would be replaced by additional car parking.

7.3.7 **New building:** the new teaching block would be rectangular shaped, measuring 83m by 44m and 13m high with a mono-pitched roof. The building would be orientated in a roughly east/west direction. The front elevation of the building would be predominantly glazed, marking a focal entrance. In front of the building there would be a plaza area, with seating opportunities, raised planters, tree planting and soft landscaping. Extensive glazing is proposed on all other elevations in order to create a light and airy internal environment. As

the building would be set down from an internal road and footpath it is proposed to construct an external ramp and stairs from the road/footpath level to join at the first floor.

- 7.3.8 The proposed external materials are brick work to the front elevation (and glazing). Elsewhere brick work is proposed at ground floor level with cladding to the upper floors.
- 7.3.9 Internally the building would provide classrooms, an assembly hall, dining hall, admin offices, staff rooms, kitchen and sanitary facilities.
- 7.3.10 Car parking: The existing site has 95 parking spaces within designated parking bays. There are around 28 further spaces to the south of the Forge building, which are arranged in a more ad-hoc manner. Overall there are around 125 spaces across the site. It is proposed to increase the number of parking spaces across the site to 166 for use by the school. These spaces would be located to the north and south of the Forge building; and would be accessed via the Forge Lane entrance and Court Crescent entrance. A further 42 spaces would be provided in front of the Forge building. These would be for use by the community when utilising the central 3G pitch, the provision of these spaces was agreed under planning permission 21/0360.
- 7.3.11 In addition to car parking an improved bus drop-off and pick-up loop would be provided to the south of the Forge building. This would involve widening the existing bus lay-by and removing some trees. This would allow for up to 9 buses to park at any one time.
- 7.3.12 40 cycle spaces are proposed within shelters. One shelter would be located next to the car park to the north of the Forge building and another next to the proposed new teaching block. It is also proposed to provide a footpath/cycle link to connect with a proposed footpath/cycle path to the south of the site, connecting with Court Crescent. This footpath/cycle link would be positioned close to the new teaching block and proposed cycle shelter.
- 7.3.13 Floodlighting: It is proposed to install 8 no. floodlighting columns around the central 3G pitch, approved under application 21/0360. The lighting columns would be 15m high. A report on the illuminance of the lighting columns has been provided with the application.
- 7.3.14 Land re-profiling: It is proposed to create four areas of earth mounds across the site. Two earth mounds would be created in the main sports fields. Both mounds would have shallow gradients up to a maximum height of around 1m above the existing ground level, where they would plateau. Another area of earth mound would be in the northern corner of the playing field in front of the Forge building, it would be adjacent to the main entrance to the school. The ground level is already has some variance so the increase in height ranges from 1m to 2m, with a steeper gradient. The other earth mound area would be to the south of the front playing field, there would be two earth mounds here, adjacent to the bus drop-off area and the front boundary of the school. These mounds would have a maximum height of 1m.
- 7.3.15 Landscaping: It is proposed to remove a limited number of trees to facilitate the proposal. Replacement tree planting is proposed at a ratio of 2:1 for those lost. There is a small stream crossing the site and it is proposed to create swales, new grassed area and tree planting adjacent to this. There would be landscaping within the new car park north of the Forge building and new tree planting adjacent to the bus drop-off area.
- 7.3.16 Two outdoor social spaces would be created, the plaza area in front of the new teaching block and adjacent to the sports wing. Both areas would have new tree planting, planting beds and grass.
- 7.3.17 Where the eastern teaching wing of the Griffin building and the music block would be demolished the land would be regraded and seeded with a wildflower mix and new tree planting.

7.4 **Principle of development**

- 7.4.1 This application seeks to develop the site in order to meet increased demand for school capacity as well as resolve issues over temporary demountable structures and outdated buildings and facilities not being fit for purpose. The planning statement sets out that the

school is currently near capacity, with an anticipated increase in demand for 287 additional places in the near future. Should this anticipated demand for additional capacity not be met, pupils leaving the local feeder primary schools for secondary education would have to be transported to other secondary schools across the city.

7.4.2 As the proposal would be in connection with an existing school which is located within the urban boundary, the provision of replacement facilities to support this use is, in principle, acceptable, satisfying the requirements of SP1, SP2 and SP12 of the adopted Newport LDP, which seek to provide sustainable development and enhance existing school facilities subject to the proposal satisfying a number of general planning policies and material considerations. These include visual impact, trees and landscaping, ecology, impact upon neighbouring amenity, flooding, drainage, parking and highway safety and archaeology. These matters are considered in the proceeding sections.

7.5 Highways and active travel

7.5.1 Impact on highway network: A Transport Statement (TS) is submitted with the application. It notes that the school currently has 1,763 pupils and it employs 94 full-time staff and 54 part-time staff. In line with the Councils Home to School Transport Policy (2021-2022) free home to school transport is provided to pupils who live three miles or more from the school.

7.5.2 The TS has used evidence of typical trip rates and modal split of secondary schools contained within the TRICS trip rate database in order to understand the schools existing travel patterns. This is because the ongoing pandemic has affected how schools normally operate, in terms of public transport and pupils attending the school. The TRICS database is a national system of trip generation analysis (the database contains over 7000 directional transport surveys at 110 types of development). The Councils Highways Officer has not objected to the methodology of data collection.

7.5.3 Using the TRICS data the TS summarises that there are 1,890 trips during the morning peak hour and 1,617 trips during the afternoon peak hour. The data suggests that 48% of these trips will be made by pedestrians, 23% made by public transport, and 5% by bicycle. Some 24% of trips will be made by car (20% driver / 4% passenger). When looking specifically at vehicle trips the data shows that there are 310 vehicle movements during the morning peak and 190 vehicle movements during the afternoon peak.

7.5.4 Using the same TRICS data calculations the TS summarises that the development would generate an additional 263 to 308 people trips during the morning and afternoon peak hours. This would generate 31 to 51 additional vehicle movements. The TS considers that the increase in traffic associated with the proposed development is unlikely to have a significant impact on conditions experienced on the surrounding highway network.

7.5.5 The table below is provided in the TS and it shows that the predicted additional vehicle movements at the start and end of the school day represent 1% to 3% of the flow of traffic on nearby junctions. The data is based on December 2020 observations and it allows for a reported 42% drop in traffic volume due to Covid.

Time	Highway Junction	Observed Traffic Flow (Dec 2020)	Add 42% To Allow for Reduced Traffic (Due to Covid Restrictions)	Development Traffic	% Impact
07:45 – 08:45	School Entrance	1625	2275	51	2%
	Caerphilly Rd / Forge Rd Roundabout	1534	2148	51	2%
	A467 Roundabout	3555	4977	53	1%
	Caerphilly Rd / The Griffin	1141	1597	54	3%
15:00 - 16:00	School Entrance	1550	2170	31	1%
	Caerphilly Rd / Forge Rd Roundabout	1540	2156	31	1%
	A467 Roundabout	3352	4693	31	1%
	Caerphilly Rd / The Griffin	1152	1613	31	2%

- 7.5.6 The TS also notes that the above table provides a worst case assessment for each of the junctions under consideration. It assumes that all the additional traffic generated by the development would pass through each of the junctions. This is unlikely to be the case as the traffic would travel towards and from the school in differing directions. It is also unlikely that the estimated 31 and 51 traffic movements would all be new to the highway network. For example, parents / guardians dropping-off pupils would often do so as part of their journey to work and therefore this traffic would already be present on the network.
- 7.5.7 The Councils Highways Officer has considered the analysis in the TS and concurs that the impact on the local highway network would be acceptable.
- 7.5.8 Car parking and bus drop-off/collection: the existing school has 1,763 pupils, 94 full-time staff and 54 part-time staff. There are 125 parking spaces across the site, either in designated bays or in an ad-hoc arrangement. The Parking Standards SPG requires 1 commercial vehicle space, 1 space per member of teaching staff, 1 space per 2 ancillary staff, 1 space per 20 students over 17, three visitor spaces and bus parking.
- 7.5.9 94 full time and 54 part time staff is equivalent to approximately 121 full time staff. Assuming that 20% of staff do not teach (24 staff), there is an existing demand for 109 spaces for staff. The precise number of students over 17 is not known however, it is known that admission to year 12 is set at 199 pupils and it is a reasonable estimate that half of years 12 and 13 would be 17 years old and above. This generates a demand of around 10 spaces. Overall there is an existing staff and pupil demand for 119 spaces. The current provision across the site meets the requirements of the SPG. It is noted that the community council and some local residents are concerned about 6th form parking behaviour, however, as the school currently has sufficient parking provision, this is a matter which needs to be managed by the school.
- 7.5.10 In terms of the additional demand generated by the proposal. It is states that 17 additional staff would be employed, resulting in a total of 138 staff. Again, assuming that 20% of staff do not teach 109 staff would be teachers and 27 would be ancillary requiring 109 +14 = 123 spaces would be required for staff. 166 parking spaces are proposed which is considered to be more than adequate, and even if every staff member brought a car to school there would be sufficient space to serve every car.
- 7.5.11 It should be noted that while the proposal would facilitate an additional 287 pupils, 6th form pupils are not included in this count. The number of 6th form pupils would not increase. This is because year 12 admissions are set at 199 and can only be changed with the consent of Welsh Government, following a full statutory consultation. That has not been undertaken. The parking demand of pupils 17 years + remains to be 10 spaces, which is adequately provided for in the 166 spaced proposed. Again, the management of these spaces is a matter for the school.

- 7.5.12 The Councils Highways Officer is satisfied with the amount of parking proposed and it is noted that the amount of parking provision proposed exceeds the requirements of the parking standards and would significantly improve availability across the site.
- 7.5.13 The applicant notes that the Councils School Transport Department has determined that the proposal would result in a need for 3 additional school buses to operate in the morning and afternoon. The proposal includes improvements to the bus drop-off and collection loop, which is to the south of the Forge building. This would allow for 9 bus bays and improved manoeuvrability for buses. The Councils Highways Officer considers this acceptable.
- 7.5.14 Electric Vehicle Charging points: It is proposed to provide 2 electric vehicle charging points and infrastructure (underground cabling) for a future 8 charging points. Future Wales 2040 requires 10% of non-residential parking spaces to have electric vehicle charging points, it also notes that some of that provision may be “passive”, which means that underlying infrastructure ready for future enablement would also be acceptable. This assessment considers the additional provision of parking spaces only and does not include those which already exist. When considering the proposed parking provision it is considered that 10 vehicle spaces with either a ready charging point or a future charging point meets the aims of Future Wales.
- 7.5.15 Active Travel: The Sustainable Travel SPG requires that 1 long stay cycle space per 4 staff and 1 long stay space per 10 students are provided. It also requires 1 short stay space per 10 students to be provided. Based on the additional pupil and staff numbers 63 long and short stay spaces would be required. It is proposed to provide 40 spaces within two cycle shelters and 23 cycle loops. This meets the requirements of the SPG. The locations of the cycle shelters and loops have been provided but the precise details of their appearance has not been provided. A condition is recommended to secure this.
- 7.5.16 The Councils Highways Officer is satisfied with the amount of cycle provision subject to the above condition. The Councils Active Travel Officer comments that separately to this planning application the Council is developing a shared use link from Court Crescent into the school. They require the proposals to show the corresponding connection within the school grounds. They also require some of the cycle storage provision to be located close to this connection. The plans initially shows a connection in a different location which did not correspond well with the shared use path. This has been resolved and it is now positioned in its correct position, close to one of the proposed cycle shelters. It is considered that this adequately addresses the comments made by the Active Travel Officer.
- 7.5.17 Construction Environmental Management Plan: A Construction Environmental Management Plan (CEMP) has been submitted with the application, it covers the construction phases of the sports pitches and this proposal. This CEMP was submitted in order to discharge a condition attached to the sport pitches permission (21/0360). Matters relating to the below were considered acceptable by the Highways Officer:
- Contractor parking and off street parking facilities for all vehicles linked to the site
 - Contractor compound including office, welfare facilities and materials storage.
 - Wheel wash facilities and road sweep
 - Dust Suppression
 - HGV routes to and from the site
 - HGV routes within the site
 - HGV delivery hours avoiding peak hours and school hours
- 7.5.18 The Highways Officer states that they require a condition to be imposed which requires the submission of the above information. As the submitted CEMP already adequately includes this information it is only considered necessary to include it within the approved documents and plans condition.

7.6 **Air Quality**

- 7.6.1 An Air Quality Assessment (AQA) has been submitted with the application as the site lies close to the Caerphilly Road Air Quality Management Area (AQMA) and the proposal would involve additional parking and an increase in vehicle movements during the construction and operational phase.

- 7.6.2 In July 2018 an AQMA was declared along Caerphilly Road for exceedances of the annual mean nitrogen dioxide objective. In terms of the PM₁₀ it has been concluded that there are no exceedance of the objective and the AQA considers that the existing PM₁₀ levels would not exceed the objective within the application site. The AQA notes that the background concentrations at the application site are well below the objectives.
- 7.6.3 The proposed development would generate HGV movements throughout the construction phase however, these would be temporary and the AQA concludes that they would not have a significant lasting effect on local air quality. It is expected that traffic volumes generated by the site during the construction works are expected to be considerably lower than the operational traffic generation. Therefore, the worst-case impacts of the development would occur in the year of opening,
- 7.6.4 The trip generation of the proposed development on local roads as provided in the Transport Assessment is expected to increase Annual Average Daily Traffic (AADT) flows by a maximum of 212 vehicles which is below the screening criterion of 500 vehicles for outside of an AQMA. Approximately 70 of these vehicles are expected to travel through the Caerphilly Road AQMA, which is below the screening threshold of 100 vehicles (the screening threshold for inside of an AQMA). The AQA therefore concludes that the proposed development is not expected to have a significant effect on local air quality.
- 7.6.5 There are several proposed locations for the new building. All of the proposed building locations would be located well away from any busy roads. The proposed building would therefore be built in an area where pollutant concentrations would be expected to be close to background levels. Background concentrations at the site are well below the objective and the AQA concludes that future pupils would experience acceptable air.
- 7.6.6 The Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM) guidance advises that good design and best practice measures should be considered, whether or not more specific mitigation is required. The proposed development would incorporate the following good design and best practice measures:
- setting back of the development buildings from roads by at least 90 m;
 - provision of 2 electric vehicle charging points;
 - provision of infrastructure to provide up to 10 future electric vehicle charging points;
 - provision of a detailed travel plan setting out measures to encourage sustainable means of transport (through increasing the use of public transport, car sharing, cycling and walking);
 - integration of sustainable travel promotion into the school curriculum; and
 - provision of pedestrian and cycle access to the new development, including maps of safe routes.
- 7.6.7 The Councils Scientific Officer has not commented on the application however, in the absence of any comments to the contrary the findings of the AQA (carried out by Air Quality Consultants) are taken in good faith based on their professional expertise in this field. The implementation of the electric vehicle charging points are recommended via a condition and the travel plan submitted with the application would be listed in the approved plans and documents condition.

7.7 Residential amenity

- 7.7.1 There are a number of properties on Caerphilly Road, The Griffin, Birch Trees and Vicarage Close which share a boundary with the school grounds. Some of the northern properties on Court Crescent are also in close proximity to the school grounds. The main component of this application is the new teaching block. This would be located centrally within the school grounds and is of an acceptable distance from neighbouring properties to prevent any harm to privacy, daylight and overbearing impacts.
- 7.7.2 The application also includes floodlighting of the central 3G pitch. Some concerns have been raised by local residents and the community council. They are concerned that floodlighting would be intrusive to neighbouring amenity. Lighting information has been submitted with the application. It includes an assessment of illuminance, based on 15m high lighting columns.

The Councils Environmental Health Officer has reviewed this information and has no objection to the proposals subject to a condition which requires lighting levels to not exceed levels set out in industry standard guidance.

- 7.7.3 Some concerns have been raised about the community use and hours of use of the 3G pitch. This matter was dealt with under planning permission 21/0360 and this application is only concerned with the associated floodlighting.
- 7.7.4 Earth mounds are proposed with this application. There would be four areas of earth mounds across the site. Two earth mounds would be created in the main sports fields. The first mound would be created in the north western corner of the site, lying adjacent to the residential property known as Spurway. The mound would be set off the boundary with the neighbouring property by around 5m, it would have a gentle gradient reaching a maximum height of 1m above the existing ground level. The maximum height of the earth mound would be around 20m away from the nearest neighbouring property. It is considered that at this distance and with this modest increase in ground level, there would be no unacceptable impact on the neighbouring properties.
- 7.7.5 The second mound would be created in the northern portion of the playing fields. It would be located in between properties on Caerphilly Road, St Benedict Court and Birch Trees, which share boundaries with the school grounds. The nearest property is 17A Caerphilly Road, although the rear gardens of 19, 21, 23 and 25 Caerphilly Road, 1 to 6 St Benedict Court and 3 Birch Trees are in close proximity to the earth mound. Like the first mound it would have a gentle gradient reaching a maximum height (although there would be small variation where the ground level currently dips down) of 1m above the existing ground level. The 1m plateau would range from 12m to around 24m from neighbouring boundaries. As with the first mound it is considered that at this distance and with this modest increase in ground level, there would be no unacceptable impacts on neighbouring properties.
- 7.7.6 The third and fourth earth mound areas would be created in the playing field to the front of the Forge building. In both cases the mounds would be around 36m from neighbouring properties, with roads and boundary treatments within the intervening distance. It is considered that residential amenity would not be adversely affected.
- 7.7.7 A number of objections have been received which relate to traffic and parking issues associated with the school, and their impacts on the Bassaleg community. These are addressed in section 7.6.
- 7.7.8 Some concerns have also been raised regarding noise generated during the operation of the school (although this appears to be an existing concern) and during the construction phase of the proposal. The Councils Environmental Health Officer has not raised any concerns about noise arising from the operation of the school. Given the size of the school grounds it is considered that the additional pupils and staff would not create a noise source which is significantly different to that which currently exists. In terms of noise during the construction phase it is recognised that there may be some temporary and short term disruption. However, a CEMP is submitted with the application which details how noise impacts would be mitigated during construction. The Environmental Health Officer has reviewed this information and has no objection. They do request a further CEMP condition however, this is not considered necessary and the information they require has already been submitted.

7.8 **Design**

- 7.8.1 The proposed new teaching block would have a contemporary design and appearance. The use of cladding and brick work are considered to be robust and durable materials. The predominantly glazed front elevation, which faces into the site, with its entrance plaza is considered to provide a focal entrance point and good legibility around the building. The building would be located well within the ground of the school and its scale and massing would not be dissimilar to existing buildings within the complex. It is considered that it would not be visually harmful in the street scene and surrounding area.
- 7.8.2 The proposal involves demolition of some parts of existing buildings and the removal of demountable units. It is considered that the demolition would be visually acceptable and the exposed elevations would be finished appropriately. The removal of demountable units would

improve the current ad-hoc appearance of the site, in favour of a more coherent design provided by the proposed new teaching block.

7.8.3 The proposals also include replacing the front entrance vehicular gates, in order to provide a wider and improved access into the site from Forge Lane. The existing gates are black metal and have an ornate finish on the metal piers. These ornate piers would be removed and a simpler metal finish would be used for the new gates. While the loss of these ornate gates is regrettable their contribution to the wider street scene is not so significant to warrant their retention. The reason for their removal, to improve accessibility into the site is considered to justify their removal and alteration.

7.9 Landscaping and trees

7.9.1 It is proposed to remove a number of trees around the periphery of the site, this is to allow the creation of the northern car parking area and the bus loop. It is proposed to plant 80 new trees across the site. Plans have been amended around the active travel link to Court Crescent, so that the new link avoid and protects a group of Oak trees. The Councils Tree Officer has no objection to the plans subject to conditions which require the submission of a Arboricultural Method Statement and a Tree Protection Plan, along with the installation of Root Protection Barrier and protective fencing, a site meeting with the Tree Officer and the appointment of an Arboriculturalist.

7.9.2 In terms of landscaping the Councils Landscape Officer has made a number of comments, which are set out in section 5.2 of this report. They are concerned that there is no planting to soften the bin store, which would be located close to the teaching block entrance. This bin store is finished in brick work, the elevation facing towards the entrance would also be finished with brick work lettering reading "Bassaleg". While there is no planting proposed the use of the brick work lettering is considered to provide a design interest to the structure. There would be a larger bin store south of this smaller structure, which would be finished in brick work to the sides and rear. Featherboard fencing would make up the front elevation, which faces onto an internal road. Planting is proposed to the rear and sides of the structure but planting to the front would prevent access. The structure would not be highly visible and it is considered to be visually acceptable.

7.9.3 The Landscape Officer advises that an Arboricultural Impact Assessment and a Tree Protection Plan should be submitted. This is noted however, the Councils Tree Officer is satisfied with the proposals subject to conditions.

7.9.4 The Landscape Officer notes that at the boundaries with some residential properties new planting is proposed. They query whether this is to provide a wildlife corridor or to soften views; and whether screen planting is proposed, including to reduce the impact of floodlighting.

7.9.5 The works subject of this application would be located well away from residential properties. The extended car parking area to the north of the Forge building and the earth mounds are the closest parts of the development to residential properties. As set out in section 7.7 the earth mounds are not considered to be harmful to residential amenity and as such additional planting is not considered necessary. The new car parking area would be around 22m from the closest neighbouring boundary and there is existing parking within the intervening distance. Again, additional planting is not considered necessary. In terms of floodlighting, as set out in paragraph 7.7.2, this is not considered to be harmful to residential and additional planting is not considered necessary.

7.9.6 The Landscape Officer requires the following to be secured through conditions. These are recommended, with a timing trigger that would first allow some piling activity to take place during the February half term:

- A soft landscape maintenance and management plan to cover the 5 year establishment phase.
- Tree planting pit details.

7.9.7 The Landscape Officer make suggests about the size of planting area to better soften elevations or make a more early impact. The applicant has been asked to considered these but no amendments have come forward. While the Landscape Officer makes these

suggestion they are not necessary to make the development acceptable and as such they are not pursued further.

7.9.8 The Landscape Officer also recommends a condition requiring a soil resource plan to ensure all reusable topsoil and subsoil resources are identified. Again, this condition is not necessary to make the development acceptable and as such it would not meet the statutory tests of a condition. It is not recommended.

7.10 **Ecology and protected species**

7.10.1 An Ecological Impact Assessment has been submitted with the application. It includes details of an extended phase 1 habitat survey, which assess the value of on-site habitats and their potential for protected species. Several habitats and species of ecological value were identified on site, including semi-improved neutral grassland, semi-natural broad-leaved woodland, watercourses, bluebells, badgers, bats, hedgehogs, birds, reptiles, amphibians and invertebrates. The assessment identifies a small number of ecologically significant impacts arising from the proposed development. These are mainly loss of habitat, indirect construction impacts and operational lighting changes. Further survey work is also recommended as a badger sett was identified and there is bat roosting potential in one of the existing school buildings.

7.10.2 The Councils Ecology Officer is satisfied with the findings of the Ecological Impact Assessment and they note that the additional survey work has been undertaken.

7.10.3 A Badger survey has been submitted. It does not identify any evidence of badgers at the site. The sett identified would be an outlier sett only. Such setts tend to be used sporadically and are often taken over by rabbits and/or foxes when not used by badgers.

7.10.4 An assessment of bats in trees and a bat survey of buildings has been submitted. The Ecology Officer is satisfied with the findings of the bats in trees assessment and recommends that the precautionary mitigation measures identified in the report are secured through a condition.

7.10.5 In terms of bat survey of buildings the Ecology Officer is also satisfied that submitted report sets out acceptable mitigation, compensation and enhancement measures in respect of roosting bats and nesting birds. The Officer recommends that a condition is imposed to secure the implementation of those measures. Natural Resources Wales are also satisfied that the development is unlikely to be detrimental to the maintenance of the population of the bat species at a favourable conservation status in its natural range. They have no objection to the proposal but request that an informative is added alerting the applicant to the need for an EPS licence.

7.10.6 The Ecology Officer also recommends that a condition is imposed which requires that bat survey work should be repeated if demolition hasn't taken place within 18 months of the date of the most recent survey. This is because they have a finite 'shelf-life', as certain species may colonise or leave an area in the interim period. This condition is included.

7.10.7 The Ecological Impact Assessment identifies a number of mitigation and enhancement measures which can be summarised as:

- Implementation of best practice construction methods and consideration of ecological features as part of these;
- Sensitive lighting design, and inclusion of enhancement measures within the scheme design;
- Alteration of management regimes to encourage floral species diversity and increase protected species potential;
- Implementation of pre-works ecological checks and staged clearance approaches;
- Creation of additional habitat features within new and retained habitats including bat and bird boxes, log/brush pile and bare/gravel scrape creation etc.

7.10.8 The Ecology Officer is satisfied with the mitigation and enhancement measures proposed and recommends a condition to secure the measures. The Ecology Officer recommends that bat roosting and bird nesting boxes are provided within the school ground and in the new

teaching block building. They would prefer these to be integrated into the building rather than attached to the outside, a condition is recommended to secure these details.

7.11 **Drainage and flooding**

- 7.11.1 It is proposed to construct a separate foul drainage system to serve the new teaching block. This would convey flows to an existing Welsh Water sewer adjacent to the eastern boundary of the site. Welsh Water confirms that capacity exists within the public sewerage network to receive the domestic foul only flows. They recommend that a drainage strategy is conditioned however, as there is capacity in the foul drainage system and surface water drainage would be agreed under the SAB regime (see paragraphs 7.11.5 and 7.11.6), a condition is not considered to be necessary.
- 7.11.2 The proposal is a highly vulnerable development, however, it is located within flood zone A, which is considered to be an area of low risk of flooding. With respect to TAN15, there is no requirement for the applicant to submit a Flood Consequences Assessment (FCA) on the basis of its location. Surface water flooding may occur around the site in an extreme event but it can be said that this development is in an area which has an acceptably low risk of flooding from all considered sources.
- 7.11.3 However, an FCA has been submitted with the application. It is indicated in the FCA that the risk from river and tidal flooding is low, however, a local watercourse does run through the site and to the north of the proposed teaching block.
- 7.11.4 NRW were consulted on this application, but they have no comments on flood risk matters, as the site is within flood zone A. Any flood risk posed by the ordinary watercourse/ditch running to the north of the proposed teaching block should be dealt with by Council Drainage engineers.
- 7.11.5 The proposed site development does increase the impermeable area and careful consideration of SAB/SuDS would be needed. Careful implementation of sustainable drainage should be considered to mitigate run off from impermeable surfaces particularly as the unnamed watercourse is subject to pluvial flooding. SAB approval in Wales is now a statutory requirement for all proposals with a developable area of 100m² or more.
- 7.11.6 The Councils Drainage Engineer has not commented on the application however, the SAB approval process falls outside of the planning process and it must be granted prior to construction work commencing by the SAB approval team. The Welsh Government Statutory Standards 2018 must be complied with to ensure adequate provision is made for surface water by the development. This includes measures for Runoff control, water quality, biodiversity, amenity and future operation/maintenance. As the SAB approval will control this element, there is no requirement or remit for the Local Planning Authority to 'double up' on this controls and measures.

7.12 **Water Quality**

- 7.12.1 Natural Resources Wales (NRW) note that the proposed development would be in a sensitive location due to a watercourse running through the site. The proposals have the potential to adversely affect quality as demolition and construction would take place close to the watercourse. NRW advise that appropriate pollution prevention measures are required during construction. They have reviewed the submitted CEMP and are satisfied with the information within that document. They recommend a condition to secure the implementation of the CEMP.

7.13 **Archaeology and heritage**

- 7.13.1 An Archaeological and Heritage assessment has been submitted with the application. It considers the Schedule Ancient Monuments Tredegar Fort and Coed Y Defaid Camp, and the Registered Park and Garden of Tredegar Park. It concludes that the proposals would not have any impact upon these historic assets and Cadw agree with those conclusions.
- 7.13.2 The Glamorgan Gwent Archaeological Trust advise that the proposals are located close to the projected line of the Roman road running from Caerleon to Cardiff. However, they advise that an archaeological watching brief conducted in 2003 to the north of school noted a significant depth of made-ground (1.4m to 1.8m) over a buried topsoil. This suggests the

ground level has been significantly built-up. They, therefore advise that it is unlikely that significant archaeological remains would be encountered during the course of the development and have no objections to the proposals.

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

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

8.2 *Equality Act 2010*

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

8.3 Having due regard to advancing equality involves:

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

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

8.4 The above duties have been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

8.5 *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.

8.6 *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 SP1, SP2, SP3, SP4, SP9, SP12, GP1, GP2, GP3, GP4, GP5, GP6, GP7, CE4, T4, T5, T7, CF1, CF2 and W3 of the Newport Adopted Local Development Plan 2011-2026 (Adopted January 2015) as well as all other relevant material considerations it is considered that the proposed development would be acceptable in terms of its visual impact on the site and the character of the local area. It is considered that there would be no

significant impact on neighbouring amenity, parking and highway safety, ecology, trees, flooding and drainage, air quality, archaeology or built heritage. As such, it is recommended that planning permission is granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents:

19097 (05) 1001	- Site Location Plan
19097 (05) 1003 rev B	- Proposed Sprinkler Tank Enclosure
19097 (05) 1005 rev N	- Proposed Site Plan
19097 (05) 1006 rev C	- Proposed Site Demolitions Plan
19097 (05) 1007 rev J	- Bassaleg Site Boundary Treatments
19097 (05) 1008 rev E	- Site Sections 1-1 3-3
19097 (05) 1009 rev C	- Proposed Bin Stores
19097(05)1017 rev C	- Site Parking
19097 (05) 1023	- Forge Building Existing Elevations
19097 (05) 1024	- Forge Building Proposed Elevations Post Demolition
19097 (05) 1025	- Griffin Building Existing Elevations
19097 (05) 1026	- Griffin Building Proposed Elevations Post Demolition

19097-PDA-V1-00-PL-A-05-1010 P3 - Proposed Ground Floor Plan
19097-PDA-V1-01-PL-A-05-1011 P3 - Proposed First Floor Plan
19097-PDA-V1-01-PL-A-05-1012 P3 - Proposed Second Floor Plan
19097-PDA-V1-RF-PL-A-05-1013 P4- Proposed Roof Plan
19097-PDA-V1-XX-PL-A-05-1014 P3- Proposed Elevations
19097-PDA-V1-XX-PL-A-05-1015 P2- Proposed Building Sections
19097-PDA-XX-00-PL-A-05-1016 P2- Existing and Proposed Main Entrance Gate

CC2039 CAM ZZ GA C 00 0170 P5 - External Works Layout sheet 1
CC2039 CAM ZZ GA C 00 0171 P5 - External Works Layout sheet 2
CC2039 CAM ZZ GA C 00 0172 P1 - External Works Layout sheet 3
CC2039-CAM-ZZ-GA-C-0191 P2 - Mound 1 Sections
CC2039-CAM-ZZ-GA-C-0192 P2 - Mound 2 Sections
C2039-CAM-ZZ-GA-C-0194 P2 - Earthworks arisings Mounds 3, 4 and 5
CB2039 CAM XX ZZ SE C 0310 P1 - Mound Site Section

WD 2020-BAS9 rev B	- Aerial Existing Features
WD 2020-BAS10 rev C	- Existing Features
WD 2020-BAS11 rev F	- Existing Features and Overlay
WD 2020-BAS12 rev G	- Landscape Proposals Overall
WD 2020-BAS13 rev G	- Landscape Proposals Trees
WD 2020-BAS15 rev F	- Landscape Proposals Grass and Bulbs
WD 2020-BAS16 rev F	- Landscape Proposals Planting Beds
WD 2020-BAS17 rev F	- Native Hedge Grass Planting Bed Sections

UNV-WAR-4100-STD1 00 E BX - General Arrangement (Standard 4100mm Wardale Shelter)

6987-MCP-V1-00-DR-E-9004-A1H - Electrical Engineering Services Sports Field Section

Design and Access Statement (Powell Dobson, October 2021)

Stage 3 Acoustics Design Report (Ramboll February 2021)

Air Quality Assessment (Air Quality Consultants, September 2020)

Arboricultural Survey Report (TACP, April 2020/May 2021)

Archaeological and Heritage Assessment (EDP, December 2019)

Bat Survey v2 (Ecological Services Ltd, August 2021)

Bats in Trees Assessment (Ecological Services Ltd, August 2021)

Construction Environmental Management Plan rev 3 (Tom Millard, received 17 Nov 2021)

Risk Management System Procedure (Neighbours and Nuisance) rev B (RMS-PR-052, Willmott Dixon, Nov 2018)

Risk Management System Procedure (Dust) rev B (RMS-PR-043, Willmott Dixon, Nov 2018)
Risk Management System Procedure (Noise and Vibration) rev B (RMS-PR-049, Willmott Dixon, Nov 2018)
Badger Survey Report (Ecological Services Ltd, Aug 2021)
Desk Study Report (Integral Geotechnique, October 2019)
Drainage Strategy (Cambria, September 2021)
Ecological Impact Assessment (TACP, May 2020)
Flood Consequence Assessment (Civil Engineering Solutions Ltd, July 2020)
Lighting information (Whitecroft Lighting, October 2021)
Planning Statement (LRM Planning, October 2021)
Transport Statement (Cambria, September 2021)
Travel Plan (Cambria, September 2021)
Pre Application Consultation Report (LRM Planning, October 2021)
Wardale Cycle Shelter Specification Sheet
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 The scheme of landscaping and tree planting 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 shrubs shall be maintained, in accordance with a management plan, which shall first be submitted to and approved in writing by the Local Planning Authority. The trees and shrubs 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 safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner, in accordance with policy GP5 of the Newport Local Development Plan.

03 Notwithstanding the sheet piling works to the south of the new teaching block to facilitate the enabling works of the scheme, no works shall commence until tree planting pit details (including separate detail if used as part of the SUDs scheme), and for 'structure tree pits in paving' details have been submitted to and approved in writing by the Local Planning Authority. The details shall include an outline specification for plant supply, topsoil/subsoil handling, planting and mulching.

Reason: To ensure the site is landscaped in a satisfactory manner, in accordance with policy GP5 of the Newport Local Development Plan.

04 Notwithstanding the sheet piling works to the south of the new teaching block to facilitate the enabling works of the scheme, no development or ground preparation shall commence until a pre commencement site meeting has taken place on site with the site manager/supervisor, Arboricultural Consultant and Local Authority Tree Officer has taken place.

Reason: To protect important landscape features within the site, in accordance with policy GP5 of the Newport Local Development Plan.

05 Notwithstanding the sheet piling works to the south of the new teaching block to facilitate the enabling works of the scheme no development, to include demolition, shall commence until a Tree Protection Plan (in accordance with BS 5837:2012) has been implemented in accordance with TACP – Bassaleg School Arboricultural Survey Report April 2020/May 2021. The development shall be carried out in accordance with the approved Tree Protection Plan.

Reason: To protect important landscape features within the site, in accordance with policy GP5 of the Newport Local Development Plan.

06 Notwithstanding the sheet piling works to the south of the new teaching block to facilitate the enabling works of the scheme, no operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until

the Root Protection Barrier fencing has been installed in accordance with the approved Tree Protection Plan. No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area. Erect all weather notices on Heras fencing, 1 per 10 panels, stating ' CONSTRUCTION EXCLUSION ZONE NO ACCESS' . The fencing shall be retained for the full duration of the development, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To protect important landscape features within the site, in accordance with policy GP5 of the Newport Local Development Plan.

07 Notwithstanding the sheet piling works to the south of the new teaching block to facilitate the enabling works of the scheme, no operations of any description, (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection within the development, until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. (The Arboricultural Method Statement shall contain full details of the following:

- (a) Timing and phasing of Arboricultural works in relation to the approved development;
- (b) Construction exclusion zones; access from The Griffin
- (c) Ground protection; eg location ,number and size of excavations for perimeter fencing near T86 (TPO'd oak in private ownership) and T90
- (d) Service positions;
- (e) Special engineering requirements including 'no dig construction';

The development shall be carried out in full compliance with the Arboricultural Method Statement unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect important landscape features within the site, in accordance with policy GP5 of the Newport Local Development Plan.

08 Notwithstanding the sheet piling works to the south of the new teaching block to facilitate the enabling works of the scheme, no development, to include demolition, shall commence until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project (to perform a Watching Brief) for the duration of the development and who shall be responsible for -

- (a) Supervision and monitoring of the approved Tree Protection Plan;
- (b) Once the barrier fencing is erected, the approved Arboricultural Consultant must inspect and "sign off" in writing and submit a copy of this to the Local Planning Authority stating that the protective fencing in the correct location and is fit for purpose.
- (c) Ensuring that all tree work is carried out in accordance Arboricultural Method Statement
- (d) Supervision and monitoring of the approved tree felling and pruning works;
- (e) Supervision of the alteration or temporary removal of any Barrier Fencing;
- (f) Oversee working within any Root Protection Area;

Reason: To protect important landscape features within the site, in accordance with policy GP5 of the Newport Local Development Plan.

09 If site clearance in respect of the development hereby approved does not commence within 18 months from the date of the most recent survey for bats, the approved ecological measures secured through other planning conditions shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:

- i) establish if there have been any changes in the presence and/or abundance of bats and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason. To ensure protection of protected species, in accordance with policies SP9 and GP5 of the Newport Local Development Plan.

Pre – construction conditions

10 Prior to the construction of the new teaching block, details/samples of external materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of good design and visual amenity, in accordance with policies GP2 and GP6 of the Newport Local Development Plan.

Pre –occupation conditions

11 Notwithstanding the approved plans, prior to the first beneficial use of the development hereby approved, secure cycle parking shall be provided in accordance with the Sustainable Travel Supplementary Planning Guidance (adopted July 2020) and in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be retained thereafter.

Reason: In the interests of sustainable development and travel, and air quality, in accordance with policies SP1, GP4 and GP7 of the Newport Local Development Plan.

12 No part of the development hereby approved shall be brought into beneficial use until such time as the car parking areas (including disabled spaces and electric vehicle charging spaces) and bus loop have been laid out in accordance with the details shown on 19097 05 1017B – Car Parking Plan. The parking provision shall thereafter be so retained at all times to serve the development hereby approved.

Reason: To ensure the provision on site of parking to serve the development in the interests of highway safety, air quality and sustainable development, in accordance with policies SP1, GP4, GP7 and T4 of the Newport Local Development Plan.

General conditions

13 External artificial lighting at the development shall not exceed Lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Notes Reduction of Obtrusive Light'. Lighting shall be minimised and glare and sky glow shall be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the guidance notes.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with policies GP2 and GP7 of the Newport Local Development Plan.

14 The development shall take place in accordance with the mitigation and enhancement measures identified in section 6 of the Ecological Impact Assessment P4 (TACP, March 2021).

Reason: In the interests of protecting and enhancing the ecological interests of the site, in accordance with policies SP9 and GP5 of the Newport Local Development Plan.

15 The development shall take place in accordance with the precautionary mitigation measures set out in sections 10.4 to 10.9 (inclusive), 10.13, 11 and 13 of the Bats in Trees Assessment (Ecological Services Ltd, August 2021) and section 9 of the Bat Survey Report v2 (Ecological Services Ltd, August 2021).

Reason: In the interests of protected species, in accordance with policies SP9 and GP5 of the Newport Local Development Plan.

16 Except where otherwise agreed in writing by the Local Planning Authority, no existing trees shall be felled, topped or lopped, and no existing hedges shall be removed.

Reason: To protect existing landscape features on the site, in accordance with policy GP5 of the Newport Local Development Plan.

NOTE TO APPLICANT

01 This decision also relates to:

CC2039 CAM 00 GF C 00 0160 P5 - Drainage Strategy sheet 1

CC2039 CAM 00 GF C 00 0161 P4 - Drainage Strategy sheet 2

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP3, SP4, SP9, SP12, GP1, GP2, GP3, GP4, GP5, GP6, GP7, CE4, T4, T5, T7, CF1, CF2 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 *Warning: An European protected species (EPS) Licence is required for this development.*

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

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/permits-and-permissions/species-licensing/when-you-need-to-apply-for-a-protected-species-licence/?lang=en>.

5.

APPLICATION DETAILS

No: 21/1185 **Ward:** Alway

Type: Full Application

Expiry Date: 14th February 2022

Applicant: R Swenson

Site: *Market Gardens Allotments East Grove Road Newport South Wales*

Proposal: **PROPOSED SITING OF A COLLAPSIBLE SHIPPING CONTAINER ON LADYHILL ALLOTMENTS FOR TOOLS AND HORTICULTURAL SUNDRIES**

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks consent for the siting of a steel shipping container to store tools and horticultural sundries on land at Ladyhill Allotments. The site is located in the Alway ward. The container is to be sited in a central position to the east of the site and it would measure approximately 6.4m in length, 3m in width and 2m in height. The container would not have any windows, but would include a metal door.
- 1.2 This application is referred to planning committee as it relates to council owned land.

2. RELEVANT SITE HISTORY

REFERENCE	DESCRIPTION	DECISION
06/0582	SITING OF STEEL CONTAINER TO STORE GARDENING EQUIPMENT	GRANTED CONSENT

3. POLICY CONTEXT

- 3.1 Policies GP2 (General Amenity), GP6 (Quality of Design) and and CF6 (Allotments) of the Newport LDP 2011-2026 (Adopted 2015) are relevant to the determination of this application.

4. CONSULTATIONS

- 4.1 None.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF CITY SERVICES (ECOLOGY): No comments to make on this application.
- 5.2 HEAD OF CITY SERVICES (LANDSCAPE): No response.
- 5.3 HEAD OF CITY SERVICES (PUBLIC PROTECTION MANAGER): No response.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: Neighbours with a common boundary and opposite were consulted (a total of 41no. properties) and one response was received as outlined below.
- A shipping container will be an eyesore, affecting our view and potentially resale of the property. It also encourages others to do the same turning a green area into an industrial estate.

7. ASSESSMENT

- 7.1 This application seeks consent for the siting of a steel shipping container to store tools and horticultural sundries on land at Ladyhill Allotments. The site is located in the Alway ward. The container is to be sited in a central position to the east of the site and it would measure approximately 6.4m in length, 3m in width and 2m in height. The container would not have

any windows, but would include a metal door. The container is described as 'collapsible' as it comes in a flat pack form, to be assembled on site, for ease of transportation.

- 7.2 It is proposed that the container be utilised by the allotment management team for storage of equipment. On the base of the information provided it is not considered that any change of use is involved. The container would be surrounded by existing allotments to the north, east, south and west and would be located approximately 16m away from the closest residential property.
- 7.3 Policies GP2 (General Amenity), GP6 (Quality of Design) and and CF6 (Allotments) of the Newport LDP 2011-2026 (Adopted 2015) are relevant to the determination of this application.
- 7.4 Due to its size, design, siting and the intervening distance from the closest residential dwelling, it is considered that the proposed container would not have a detrimental impact in respect of visual amenity, and would not raise any privacy concerns. Whilst the container would be visible from the existing properties along East Grove Road, these properties are set at a higher level than the allotment site, meaning that there would be no overbearing impact or loss of light. In addition, the allotment manager has confirmed that it is proposed to plant trees to the front and rear of the container to provide screening.
- 7.5 The proposed colour of the container (RAL6005 Green) is considered acceptable and would remain in keeping with the surrounding context. The council's ecology officer has no adverse comments to make in respect of the proposal. In terms of the representations received, no material planning considerations have been raised. The proposal is therefore considered to be in accordance with policies GP2, GP6 and CF6 of the NLDP.
- 7.6 Finally, whilst a shipping container is considered acceptable for a temporary period to address a short term issue with storage on site, it is not an appropriate permanent solution and therefore it is considered that a condition limiting the time period for this permission to 5 years is appropriate, until a more permanent solution can be accommodated.

8. OTHER CONSIDERATIONS

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

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

8.2 ***Equality Act 2010***

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

8.3 Having due regard to advancing equality involves:

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

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

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

of the proposed decision. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

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

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

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

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

9. CONCLUSION

9.1 The proposed siting of the shipping container on land at Ladyhill allotments is considered to be acceptable and the application is granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: CM115-01 - Floor Plan and CM115-02 – Elevations.

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 container hereby approved and any paraphernalia associated with its use shall be removed from the land in its entirety and the land shall be restored to its former condition on or before 31st January 2027 in accordance with a scheme of work submitted to an approved in writing by the local planning authority prior to the commencement of development.

Reason: To protect the amenities of the occupiers of surrounding properties in accordance with policy GP2 of the Newport Local Development Plan.

03 The container hereby permitted shall only be used for purposes incidental to the enjoyment of use of the land as allotments and not for any industrial, commercial or business use.

Reason: To protect the amenities of the occupiers of surrounding properties in accordance with policy GP2 of the Newport Local Development Plan.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan, CM115-01 - Floor Plan and CM115-02 – Elevations.

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

03 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.

6.

APPLICATION DETAILS

No: 21/0955 **Ward:** Gaer

Type: Full Application

Expiry Date: 13th January 2022

Applicant: A Waters

Site: 108 Cae Perllan Road Newport South Wales NP20 3FT

Proposal: **DEMOLITION OF DETACHED SINGLE GARAGE AND CONSTRUCTION OF TWO STOREY SIDE/REAR EXTENSION CONTAINING HALLWAY, WC/SHOWER, UTILITY AREA AT GROUND FLOOR WITH BEDROOM AND EXTENDED LANDING AT FIRST FLOOR**

Recommendation: **REFUSED**

1. INTRODUCTION

- 1.1 This application seeks planning permission for the demolition of a detached, single garage and the construction of a two storey side/rear extension to the semi-detached property at 108 Cae Perllan Road, Newport.
- 1.2 This application is reported to planning committee as an elected member has been consulted as a neighbour.

2. RELEVANT SITE HISTORY

95/1013 SINGLE STOREY FRONT EXTENSION CONTAINING CLOAK ROOM AND CUPBOARD Refused

19/0496 PROPOSED SINGLE STOREY EXTENSION TO REAR OF PROPERTY Granted with Conditions

3. POLICY CONTEXT

3.1 The following policies of the Newport Local Development Plan 2011-2026 (Adopted January 2015) are relevant to this proposal:

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

3.2 The Council's House Extensions and Domestic Outbuildings Supplementary Planning Guidance (SPG) (Adopted January 2020) is also relevant to the determination of this application.

4. CONSULTATIONS

4.1 No external consultation was undertaken.

5. INTERNAL COUNCIL ADVICE

- 5.1.1 **HEAD OF CITY SERVICES (HIGHWAYS):** The site is located on Cae Perllan Road, a residential access route with a 30mph speed limit. The application proposes to extend the dwelling to provide 4 bedrooms and remove the original garage serving the dwelling. The side extension would encroach onto the existing parking area resulting a reduction in parking from 3 spaces to 2.
- 5.1.2 The site is located in Parking Zone 3 which requires that 3 parking spaces are provided for a dwelling with 3+ bedrooms to comply with Newport City Council SPG Parking Standards (August 2015). The Proposed Block Plan shows a widening of the site access to 4.5 metres along with 3 car parking spaces fronting the property. The Plan states the parking spaces would have minimum dimensions of 2.4 x 4.8 metres. Spaces PS1 and PS2 front a boundary for which the Parking Standards require the length of the spaces to be increased to 5.5 metres. However, there is an adequate length behind each space for this to be achieved. If all parking spaces are occupied then in order to move a car parked in space PS2 the vehicle parked in space PS3 would have to be moved. However, this is not dissimilar to the existing parking layout where should all spaces be occupied the car parked fronting that parked at the side of the dwelling would have to be moved to enable the inner vehicle to be moved. A car parked in space PS3 could be parked nearer the dwelling to facilitate access and egress to parking space PS1. The widening of the access would require an extension of the dropped kerb footway crossing.
- 5.1.3 I would therefore offer no objection to this application on highway grounds. Any extension to the footway vehicular crossing would require separate consent from Newport City Council Streetscene.

6. REPRESENTATIONS

- 6.1 **NEIGHBOURS:** All properties that share a common boundary with, and opposite, the application site were consulted (5No properties). One representation was received, expressing the following concerns:
- Loss of light to the neighbour's bedroom, kitchen and dining room; and
 - Potential overbearing impact from the massing of the proposal projecting to the rear of the application property.

7. ASSESSMENT

- 7.1 The existing property is a two storey, semi-detached dwellinghouse located on the eastern side of Cae Perllan Road. It has been previously extended with a single storey rear extension, in accordance with planning permission 19/0496.
- 7.2 This application seeks to demolish the existing detached garage located at the side of the property, to allow for the construction of a two storey side/rear extension. The proposed side extension would measure a maximum of 10.3m in depth, 2.6m in width and reach a height of 5.9m to the eaves, and 8.1m to the ridge, at its highest. It would extend 3.2m beyond the rear wall of the existing dwelling to align with the existing single storey rear extension. It would be flush with the front elevation at ground floor level and set-back from the front elevation by 0.75m at first floor level. It would be served by a hipped, pitched roof above, set down from the existing ridge by 0.35m. There would also be a hipped, lean-to roof on the front elevation beneath the first floor set-back.
- 7.3 The development would relocate the property's entrance door to the front elevation and have a first floor window above. The northern side elevation (facing no110) would contain 2No ground floor openings and 2No rooflights. The rear elevation would include a set of patio doors at ground floor and a window above. The development would have a blank southern side elevation (facing no106).

Visual Impact

- 7.4 The House Extensions and Domestic Outbuildings SPG highlights that *"Insensitively designed side extensions can harm the townscape in two important ways. First, as well as distorting the front elevations of individual houses, they eliminate lines of symmetry in pairs of semi-detached houses and small terraces. Second, they fill spaces between buildings, changing the pattern of development in an area. Such spaces are valuable because they*

create a visual rhythm of solids and voids. In so doing, they help to punctuate the built environment, preserving a sense of light and space at street level. Over time, development that fills these gaps may result in widespread terracing, to the detriment of public and private visual amenity". It therefore recommends that a side extension be set in at least one metre from the side property boundary.

- 7.5 Similarly, it also advises that a side extension should be set back at least 1m from the front elevation of the building to reduce its visual impact and to help maintain the character and appearance of the original dwelling and the streetscape. The proposed extension is not set back at ground floor level and is only set back 0.75m at first floor level. Furthermore, it is set only 0.75m from the site's side boundary. It therefore fails to comply with the aforementioned requirements of the SPG.
- 7.6 The properties along this side of the road are of a similar form and layout, being symmetrical semi-detached pairs of properties set back from the highway by a front garden/parking area. As a result, there is a uniform spacing between properties which results in a consistent visual rhythm of solids and voids. These make a significant contribution towards the character and visual amenities of the area and help punctuate the built environment along Cae Perllan Road to create a sense of light and space. The loss of this space, as proposed by this extension, would be detrimental to the the character and visual amenities of the street scene.
- 7.7 It is noted that a number of the properties along Cae Perllan Road have been previously altered and extended, most commonly by front extensions and through extensions to the roof. There are very few examples of two storey side extensions having taken place, which reaffirms the contribution made by the spacing between properties.
- 7.8 Whilst the proposal would be set-back at first floor level and set down from the ridge, the set-back falls short of the required 1m, with no set-back provided at ground floor level. The symmetry of this pair of semi-detached properties has been somewhat reduced by the part hip-to-gable extension at the attached property, no106. However, the symmetry and general form of semi-detached pairs characterises the area and is a consistent and valuable element of the wider street scene. Despite the set-down from the ridge, is it considered that the lack of 1m set back at both ground and first floor levels would be detrimental to the form, character and symmetry of the semi-detached pair and the wider street scene.
- 7.9 As a result of the foregoing, officers consider that the proposed development would conflict with Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015) and the Council's House Extensions and Domestic Outbuildings SPG (January 2020).

Impact on Neighbouring Amenity

- 7.10 With regards to the attached neighbour, no106, only the section of the proposal which projects beyond the rear wall of the existing property would be visible. Concern has been raised that there could be a detrimental impact of the light levels to no106 and an overbearing impact on this neighbour.
- 7.11 The section of the proposed development which projects to the rear of the application property would be sited away from the attached neighbour, at a distance of 5.8m to the boundary. It also has a lower ridge height compared with the remainder of the proposal, at a height of 7m. It is noted that this pair of semis are sited at the same level, whereas other pairs of semis along Cae Perllan Road are stepped due to the sloping nature of the land, and that the proposal is sited to the north of this neighbouring property.
- 7.12 Officers have undertaken the daylight tests required by the SPG, where a 45 degree splay is taken from the neighbour's nearest opening in both plan and elevation view. An extension which extends into either splay would fail the respective test. Only where a development fails both the plan and elevation view tests is it considered that a detrimental impact on light may occur. This proposal, owing to its distance from the opening in question and its relatively low ridge height and limited depth, passes both the plan and elevation view tests in relation to the ground floor bay window at the rear of no106 – the opening which would be most affected in this property. The first floor bay would also pass both tests. The door serving the neighbour's kitchen faces the proposed development. However, given the distance of this

opening from the proposal, and the fact that it is a north facing, secondary opening serving this room, it is not considered that it would suffer from a loss of light.

- 7.13 To conclude, as the development passes the SPG tests and having regard to the siting of the proposal to the north of this neighbour, it is not considered that the proposal would result in a loss of light at 106 Cae Perllan Road.
- 7.14 Whilst the development would create massing at the rear of the application property which would be visible from no106, given the distance of this massing from the attached neighbour and its lower ridge height, it is not considered that the development would cause an overbearing impact on no106. Furthermore, the side elevation facing no106 would not contain any openings (the opening visible on the facing side elevation is the existing bay window), which could be controlled by planning condition. As such, officers consider that the impact on 106 Cae Perllan Road would be acceptable.
- 7.15 With regards to 110 Cae Perllan Road, it is noted that the neighbour is situated at a higher ground level than the application property. It has also been extended to the rear, and so its nearest rear elevation opening would be at first floor level, with its ground floor set further towards the rear of the plot, approximately level with the proposed side/rear extension. As such, the ground floor rear elevation opening would be largely unaffected. At first floor level, the nearest opening in the rear elevation serves a bathroom, with the bay window serving the bedroom situated further north, away from the proposed extension. Given the distance of the proposal from the most affected habitable room window in the rear elevation of no110, as well as the lower ground level of the application site, it is not considered that the development would result in a loss of light to the rear elevation of 110 Cae Perllan Road.
- 7.16 The proposed extension would be sited at the side of the application property, projecting towards no110. The neighbour is set some 1.5m away from the boundary line, with the proposal being 0.75m from the same boundary, resulting in a distance of 2.25m between properties. The side elevation of no110, which faces south, contains a number of openings, the majority of which do not serve habitable rooms. There is a window serving a cupboard, a secondary window to the kitchen/family room extension, a window serving the landing, 2No small windows serving a bathroom and a window in the gable end serving accommodation in the roofspace. However, there is also a large, original window at ground floor level which serves a study (having previously served the kitchen prior to the construction of its rear extension). Given the nature and level of use of this study that was evident on site, it is considered that this represents a habitable room.
- 7.17 The 45 degree tests of the SPG have been undertaken in relation to this opening. The proposed development projects into both the plan and elevation view tests. As such, and considering the southerly aspect of this room, it is considered that the development would result in a material loss of both direct and diffuse light to this protected window.
- 7.18 This window faces towards the side elevation of the application property. However, given the distance between the two, the overall limited depth of the application property and its lower ground level, the window benefits from a sense of openness, particularly towards the front and rear of the application property. The construction of the proposed side extension would bring a development of notable scale and massing, and of greater depth, nearer to this window, in such proximity as to erode the sense of openness that it currently experiences. It would do so to such an extent that it would result in an overbearing impact on this opening and a sense of enclosure. Officers consider that this would be detrimental to the neighbour's residential amenity and conflict with Policy GP2 of the Newport Local Development Plan 2011-2026 (January 2015) and the Council's House Extensions and Domestic Outbuildings SPG (January 2020).
- 7.19 There would be 2No windows at ground floor level within the side elevation of the proposed extension, serving a utility room and WC. The utility room window would be sited immediately fronting of the study window, but at a lower ground level. As such, and as it would serve a non-habitable utility room, it is considered that it would, on balance, have an acceptable impact regarding privacy and overlooking. A condition could be attached to preclude the future insertion of additional windows in this side elevation and to ensure the proposed openings are obscure glazed.

Parking

- 7.20 The proposed development results in the demolition of the property's existing garage and encroachment onto the existing car parking area, resulting in the loss of off-street car parking. A site plan has been provided which illustrates that the required 3 No off-street car parking spaces can be accommodated on the site frontage, with the widening of the site access. The Council's Highways Officer has reviewed this layout and has confirmed that it would be acceptable. Officers therefore consider that the development would comply with Policy T4 of the Newport Local Development Plan 2011-2026 (January 2015).

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

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

8.2 *Equality Act 2010*

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

8.3 Having due regard to advancing equality involves:

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

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

- 8.4 The above duties have been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

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

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

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

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

9. CONCLUSION

- 9.1 In conclusion, officers consider that the proposed development would have a detrimental impact on the character, form and visual amenities of the host property, the pair of semi-detached dwellings and the wider street scene by infilling the space between properties and by failing to be sufficiently set away from the boundary or set back from the front elevation of the host property.
- 9.2 It is also considered that it would result in a loss of light, an overbearing impact and sense of enclosure to the protected side elevation window of 110 Cae Perllan Road, to the detriment of local residential amenity.
- 9.3 As such, officers consider that the proposal is contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015) and the Council's House Extensions and Domestic Outbuildings SPG (January 2020). It is therefore recommended that planning permission is refused.

10. RECOMMENDATION

REFUSED

01 The two storey side extension, by reason of its siting, scale and massing, would result in an adverse impact on the character and visual amenities of the host property and the wider street scene by infilling the space between properties – which is a characteristic feature of the Cae Perllan Road street scene and creates a consistent rhythm of solids and voids to punctuate the built environment and create a sense of space – and by detrimentally altering the form, character and appearance of the host property and pair of semi-detached dwellings, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015) and the Council's House Extensions and Domestic Outbuildings SPG (January 2020).

02 The two storey side extension, by reason of its scale and proximity to the protected side elevation window at 110 Cae Perllan Road, would result in an overbearing impact, sense of enclosure and a loss of light to the neighbouring property, to the detriment of local residential amenity and contrary to Policy GP2 of the Newport Local Development Plan 2011-2026 (January 2015) and the Council's House Extensions and Domestic Outbuildings SPG (January 2020).

NOTE TO APPLICANT

01 This decision relates to plan Nos: 1106(01)21, 1106(02)21 rev.A, 1106(03)21, 1106(04)21 and Site Location Plan.

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

03 The Council's Supplementary Planning Guidance - House Extensions and Domestic Outbuildings (Adopted January 2020) was adopted following consultation and is relevant to the determination of this application.

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