

# Report

## **Planning Committee – Virtual Meeting**

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### **Part 1**

Date: **2<sup>nd</sup> March 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 schedule

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

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

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

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

**Action by** Planning Committee

**Timetable** Immediate

This report was prepared after consultation with:

- Local Residents
- Members
- Statutory Consultees

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

## **Background**

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

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

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

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

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

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

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

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

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

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

## **Financial Summary**

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

## Risks

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

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

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

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

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

<b>Risk</b>	<b>Impact of risk if it occurs* (H/M/L)</b>	<b>Probability of risk occurring (H/M/L)</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its effect?</b>	<b>Who is responsible for dealing with the risk?</b>
Decisions challenged at appeal and costs awarded against the Council.	M	L	Ensure reasons for refusal can be defended at appeal.	Planning Committee
			Ensure planning conditions imposed meet the tests set out in Circular 016/2014.	Planning Committee
			Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.	Development 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 31<sup>st</sup> 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

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1.

## **APPLICATION DETAILS**

**No:** 21/1187      **Ward:** St Julians

**Type:** Full Application

**Expiry Date:** 15<sup>th</sup> February 2022

**Applicant:** M Legge

**Site:** St Julians School Heather Road Newport South Wales NP19 7XU

**Proposal:** **INSTALLATION OF PERIMETER FENCE TO EXISTING PLAYING FIELD**

**Recommendation:** **GRANTED WITH CONDITIONS**

### **1. INTRODUCTION**

- 1.1 This application seeks full planning permission for the erection of 2.4m high security mesh fencing with gates to the perimeter of an existing playing field at St. Julians Comprehensive School in the St Julians ward.
- 1.2 The application is referred to Committee because the site is Council owned.

### **2. RELEVANT SITE HISTORY**

<b>REFERENCE</b>	<b>DESCRIPTION</b>	<b>DECISION</b>
14/0452	INSTALLATION OF 2.4M HIGH SECURITY MESH FENCING AND GATES	GRANTED CONSENT
10/1307	ERECTION OF SINGLE STOREY EXTENSION	GRANTED CONSENT
08/0248	ERECTION OF PRE-FABRICATED BUILDING PROVIDING SPORTS HALL AND CHANGING/COMMUNITY FACILITIES WITHIN A DEMOUNTABLE UNIT	GRANTED CONSENT
07/0716	PROVISION OF SPRINKLER TANK AND COMPOUND TO REAR OF BUILDING	GRANTED CONSENT
05/0934	ERECTION OF 2.4M HIGH BOUNDARY FENCE, WITH VEHICULAR ACCESS AND PEDESTRIAN GATES	GRANTED CONSENT

### **3. POLICY CONTEXT**

- 3.1 The following policies of the Newport Local Development Plan 2011-2026 (Adopted January 2015) are considered relevant to the determination of this application.

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

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

#### **4. CONSULTATIONS**

4.1 None.

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

5.1 HEAD OF CITY SERVICES (HIGHWAYS): The site of the proposed fence is remote from any highway. I would therefore offer no objection to this application on highway grounds.

5.2 HEAD OF CITY SERVICES (ENVIRONMENTAL HEALTH): I confirm I have no objections to the proposals; however, the following condition should be attached to any permission granted;

##### **Development/Construction Hours**

To protect the amenity of existing residents, I would recommend that there is no arrival, departure, loading or unloading of vehicles, development and/or construction (including land raising and demolition if required) occurs outside the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays. There shall be no development on Sundays or Bank Holidays.

**Reason:** To protect the amenities of nearby residents.

5.3 HEAD OF CITY SERVICES (LANDSCAPE): No objection. Note that the submitted fence detail shows uprights slightly extend beyond the top rail and I think this may be subject of a case in Cardiff City Council – please review with NCC Parks. Verticals should not be present.

5.4 EDUCATION MANAGER: No response received.

5.5 TREE OFFICER: No objection.

#### **6. REPRESENTATIONS**

6.1 NEIGHBOURS: All properties with a common boundary and opposite were consulted (a total of 73no. properties). Two responses were received as outlined below.

- I cannot see any drawings of the fence and as my garden backs onto the school field and you state the fence will be 2.4m high I take it that this eye sore will be seen from my garden. Can somebody please tell me how far away from my fence (and neighbours, 25,29 will the fence be away. Coupled with that will the area of grass outside my fence be maintained as I am having to cut it regularly to stop the brambles growing under my fence and into garden.
- The only point I wish to make at this time is will we still have access to the pathway at the back of the property? I have been informed by a local councillor that access will still be allowed as the houses were built before the school. Can you confirm this is the case.

#### **7. ASSESSMENT**

7.1 The site is an existing school located in the predominantly residential area of St Julians. The school has a large grounds and a mix of boundary enclosures including a section of welded mesh fencing adjacent to the existing school playing fields. The proposal is to remove this existing section of fencing and erect a new 2.4m mesh fence around a larger circular area of the existing playing fields.

7.2 The proposed fence would be a dark green (RAL 6005 GREEN) powder-coated welded mesh fence at a height of 2.4m and total length of 260m. It would match the existing fencing around the school grounds and would form a semi circular enclosure around part of the existing playing fields, measuring approximately 90m in diameter. The proposed fencing would be located against the boundaries of no.s 17, 19 and 21 Elaine Crescent tapering off after this point, and due to its height would be visible from these properties but there would not be any direct public views.

7.3 The open mesh type design would allow light to penetrate into the rear gardens of the properties at Elaine Crescent and due to the presence of existing boundary fencing, only the top part of the fencing would be visible from these properties. On this basis, the 2.4m height is not considered to be overbearing or likely to cause any harm to neighbouring occupiers in terms of amenity.

- 7.4 No objection has been offered from the Landscape Officer, Highways or the Environmental Health Officer, subject to a condition controlling construction times, however it would be onerous to control construction hours in this case and unnecessary as the works are to be undertaken on Council owned land so the Council will be mindful of neighbourly considerations on hours of work in any event and should complaints be received the Environmental Health service is best placed to respond to noise related concerns.
- 7.5 In relation to the existing trees present along the southern boundary of the site, it is proposed to crown lift foliage to facilitate the realignment of the fence. The Tree Officer has no objection to the proposals.
- 7.6 Correspondence was received from two neighbouring properties querying the location of the new fence line and if it would affect existing access arrangements to the rear of these properties and maintenance of existing vegetation. The site plan submitted with the application shows the line of the proposed fencing in relation to the neighbouring properties. As outlined above, it would be located against the boundaries of no.s 17, 19 and 21 Elaine Crescent tapering off after this point. It should be noted that whilst there are gates in a number of the rear fence lines of these properties, the school land is within council ownership and there is no public right of access. In addition, rights of access onto land and maintenance of vegetation are not material planning concerns, therefore the residents were advised to contact NCC's Estates department directly in order to discuss the civil issues of concern.

## **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 proposals by reason of location, scale and design would not cause any harm to visual amenity, access to daylight or privacy of neighbouring properties. The materials are also considered appropriate. The proposal is therefore considered to be in accordance with both policies GP2 and GP6 of the development plan. Planning permission should be granted.

**10. RECOMMENDATION**

**GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents: NPS-DR-A-(01)-002 Security Fencing and NPS-DR-A-(01)-001 New Fencing. Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: Site Location Plan, NPS-DR-A-(01)-002 Security Fencing and NPS-DR-A-(\*\*)-000 Rev P1 New Fencing.

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.

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2.

### APPLICATION DETAILS

No: 21/1252 Ward: Gaer

Type: Full Application

Expiry Date: 2nd February 2022

Applicant: R Sexty

Site: Gaer Primary School Gaer Road Newport South Wales NP20 3GY

Proposal: **PROVISION OF DISABLED ACCESS RAMPS, DISABLED PARKING SPACE AND MINOR CHANGES TO EXTERNAL SURFACING**

Recommendation: **GRANTED WITH CONDITIONS**

### 1. INTRODUCTION

1.1 This application seeks full planning permission for the provision of disabled access ramps, a disabled visitor parking space and minor changes to external surfacing at Gaer Primary School, Gaer Road, Newport. The school building is Grade II listed, the works are therefore also subject to a separate listed building consent application (Ref: 21/1253).

1.2 This application is brought before Planning Committee as the works are proposed on Council owned land.

### 2. RELEVANT SITE HISTORY

<u>Application No:</u>	<u>Proposal:</u>	<u>Decision:</u>	<u>Decision Date:</u>
21/1253	Listed building consent for the provision of disabled access ramps, disabled parking space, changes to external surfaces, refurbishment of WCs and new platform lifts.	Pending	N/A
15/0489	Retention of external canopy for outdoor play	Granted	03/08/2016
14/0723	Provision of early years accommodation as stand alone block, comprising two Year 1 classes, two Reception classes, one Nursery class, all with associated ancillary accommodation, secure hard play and landscape areas	Granted with conditions	27/08/2014
09/1224	External canopy for outdoor play	Granted	28/01/2010
09/0113	Erection of 2.4 metre high powder coating mild steel vertical bar fencing	Granted	26/03/2009
08/1399	Listed building consent for fire protection works including the removal of a store floor and disabled access works to provide a platform lift, disabled toilets and ramps	Granted with Conditions	27/03/2009
03/1225	Listed building consent application for the erection of 4No. galvanised steel tube handrails to the main entrance	Granted with conditions	19/11/2003

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

Policy **GP2 General 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 visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.

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

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

#### **4. CONSULTATIONS**

4.1 None.

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

5.1 HISTORIC BUILDINGS AND CONSERVATION OFFICER:

Overall, the scheme is welcomed and will see the reinstatement of original features whilst making much needed alterations for the continuation of use as a school building.

##### External access improvement works – installation of access ramps and parking space

The siting of the ramps are supported and much effort has been made to reduce the impact of these new features, which is welcomed.

However, it is not clear why the new paving from the parking space, which replaced the grassed area, is not a continuation of the paving and is proposed in macadam finish. In addition, the finish to all new paved areas is not in an appropriate material and should be a continuation of what is currently on site. I am happy for this finish to be conditioned.

The parking space is welcomed and it is a point of agreement that the new area would improve the current space. However, the paint colour should be specified to be a light yellow, usually specified in conservation areas.

There is no detail as to the specific materials proposed for the new ramp walls and the handrails are considered lacking in good design when considering the level of detail found on site in ironmongery. A condition can be placed to control these details.

#### **6. REPRESENTATIONS**

6.1 NEIGHBOURS:

All properties within 50 metres with a common boundary with the application site were consulted. No representations were received.

#### **7. ASSESSMENT**

7.1 The Proposals:

7.1.1 It is proposed to carry out various works at Gaer Primary School to improve disabled access arrangements for pupils, staff and visitors to the school. A separate listed building consent application has been submitted to the Council for these works, as well as for the installation of internal lifts and for the refurbishment of the existing W.C fixtures and fittings to ensure the

facilities meet the requirements of modern day use. The internal works to the building do not require planning permission. The proposals contained within the planning application are summarised as follows:

#### 7.1.2 *Access Works:*

- The provision of a ramped access from an existing play area to the south east end of the school building.
- The provision of a ramped access from an existing play area to the north east end of the school building.
- The provision of a new disabled visitor parking space to the south west of the school building and associated accessible route to the main entrance. Following review of the Historic Buildings and Conservation Officer comments, the Applicant has submitted revised details which replace the macadam finish with paving stones to match those currently used at the site.

#### 7.2 Principle of the Proposals:

7.2.1 The application site relates to an established school building. The works are required in association with the existing use, in order to improve disabled access to the school for pupils, staff and visitors.

7.2.2 There is an existing disabled parking space located within the site, however it is sited some distance away from the main entrance. In addition, accessing the school from this space requires the navigation of a step to the rear entrance or via a classroom for level access. Neither of these options are ideal and therefore the creation of the new parking space would improve disabled access into the school building via the main entrance.

7.2.3 Furthermore, the provision of the proposed ramps would allow access between the main external play areas and the W.C's and cloakrooms.

7.2.4 The proposals would allow for inclusive access into the school building and their general principle is regarded as acceptable, subject to the material considerations below.

#### 7.3 Design:

7.3.1 The proposed access improvement works are simple in design, representing minor changes to the external appearance of the school building. The changes proposed are subservient additions, which are considered to have an acceptable impact upon the character and appearance of the school building and grounds.

#### 7.4 Impact on Historic Asset:

7.4.1 Gaer Primary School is a Grade II listed building, prominently located on the eastern side of Gaer Road. The list description details that the building was constructed in 1949-1953 to form part of the surrounding Gaer Estate development. It is described as an exceptionally well preserved primary school, being the centrepiece of the estate. It is also noted that the school forms an important example of early post-War school design, being a clear example of corridor based planning and highly expressive of the architectural ideals of its time.

7.4.2 Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses. In addition, Policy SP9 seeks the protection, retention, safeguarding, conservation and enhancement of Newport's heritage assets.

7.4.3 It is considered that the design of the ramps would be a modern, yet sympathetic addition to the building and the wider site. Uninterrupted views of the listed building would remain and the works proposed would not alter the appearance of the building's main entrance.

7.4.4 In terms of the proposed car parking space, this would be a welcome addition. The applicant has submitted revised details which replace the macadam finish adjacent to the car parking space with paving stones, to match those currently used at the site, which is regarded as appropriate.

7.4.5 It is noted that a separate listed building consent application has been submitted for the proposals, and through this consent, relevant conditions can be applied to secure specific design details, as recommended by the Council's Historic Buildings and Conservation Officer.

As such, it is not considered necessary to duplicate these conditions as part of the planning permission.

#### 7.5 General Amenity:

7.5.1 There are numerous residential properties surrounding the application site. Given the spacious size of the plot, the separation distances between neighbouring properties and application site as well as the nature of the proposed works, it is considered that current levels of residential amenity would be preserved.

### 8. **OTHER CONSIDERATIONS**

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

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

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

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

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

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of

Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

**9. CONCLUSION**

9.1 The proposed development is considered to be acceptable and in accordance with Policies SP1, SP9, GP2, GP4 and GP6 of the Newport Local Development Plan 2011-2026. It is recommended that planning permission is granted subject to conditions.

**10. RECOMMENDATION**

**GRANTED WITH CONDITIONS**

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

Site Plan (Drawing No. NPS-DR-A-(SP)-008);

Visitor Parking Space South West Wing Existing and Proposed Plans (Drawing No. NPS-DR-A-(DA)-002-A);

Front Entrance Level Access – Existing and Proposed Plans (Drawing No. NPS-DR-A-(DA)-003-A);

South East Wing Exit – Level Access for Pupils – Proposed Plan and Sectional Elevation (Drawing No. NPS-DR-A-(DA)-004-2-B);

North East Wing Exit- Level Access and Ramp for Pupils – Proposed Plan and Sectional Elevations (Drawing No. NPS-DR-A-(DA)-05-2-B);

Received by the Local Planning Authority on 08/12/2021 and 09/02/2022.

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

*NOTE TO APPLICANT*

01 This decision relates to Plan Nos: NPS-DR-A-(DA)-001, NPS-DR-A-(SP)-008, NPS-DR-A-(DA)-002-A, NPS-DR-A-(DA)-003-A, NPS-DR-A-(DA)-004-1, NPS-DR-A-(DA)-004-2-B, NPS-DR-A-(DA)-005-1-A, NPS-DR-A-(DA)-05-2-B.

02 The Development Plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted 2015). Policies SP1 (Sustainability), SP9 (Conservation of the Natural, Historic and Built Environment), GP2 (General Amenity), GP4 (Highways and Accessibility) and GP6 (Quality of Design) were relevant to the determination of this application.

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

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3.

### **APPLICATION DETAILS**

**No:** 21/1253      **Ward:** Gaer

**Type:** Listed Building

**Expiry Date:** 2nd February 2022

**Applicant:** R Sexty

**Site:** Gaer Primary School Gaer Road Newport South Wales NP20 3GY

**Proposal:** **PROVISION OF DISABLED ACCESS RAMPS, DISABLED PARKING SPACE, CHANGES TO EXTERNAL SURFACES, REFURBISHMENT OF WCS AND NEW PLATFORM LIFTS**

**Recommendation:** GRANTED WITH CONDITIONS, SUBJECT TO CADW

### **1. INTRODUCTION**

1.1 This application seeks listed building consent for the provision of disabled access ramps, a disabled visitor parking space, changes to external surfaces, the refurbishment of W.C's and new platform lifts at Gaer Primary School, Gaer Road, Newport. The school building is Grade II listed.

Those external works which also require full planning permission are the subject of a separate planning application (Ref: 21/1252).

1.2 This application is brought before Planning Committee as the works are proposed on Council owned land.

### **2. RELEVANT SITE HISTORY**

<u>Application No:</u>	<u>Proposal:</u>	<u>Decision:</u>	<u>Decision Date:</u>
21/1252	Provision of disabled access ramps, disabled parking space and minor changes to external surfacing	Pending	N/A
15/0489	Retention of external canopy for outdoor play	Granted	03/08/2016
14/0723	Provision of early years accommodation as stand alone block, comprising two Year 1 classes, two Reception classes, one Nursery class, all with associated ancillary accommodation, secure hard play and landscape areas	Granted with conditions	27/08/2014
09/1224	External canopy for outdoor play	Granted	28/01/2010
09/0113	Erection of 2.4 metre high powder coating mild steel vertical bar fencing	Granted	26/03/2009
08/1399	Listed building consent for fire protection works including the removal of a store floor and disabled access works to provide a platform lift, disabled toilets and ramps	Granted with Conditions	27/03/2009
03/1225	Listed building consent application for the erection of 4No. galvanised steel tube handrails to the main entrance	Granted with conditions	19/11/2003

### **3. POLICY CONTEXT**

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

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

3.2 Other relevant legislation:

3.2.1 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

**4. CONSULTATIONS**

4.1 AMENITY SOCIETIES: No response.

4.2 ROYAL COMMISSION ON THE ANCIENT AND HISTORICAL MONUMENTS OF WALES: Thank you for notifying us of this application for listed building consent for various alterations. Gaer School was listed grade II for its special interest as 'an exceptionally well-preserved post-war primary school, the centrepiece of the contemporary Gaer Estate'. The proposed alterations relating to access are largely external and do not significantly affect the setting of the listed building. Proposed alterations to the WCs do involve an element of demolition but this does not appear to be significant. We will not need to make a special record of this building if listed building consent is granted.

**5. INTERNAL COUNCIL ADVICE**

5.1 HISTORIC BUILDINGS AND CONSERVATION OFFICER:

*1<sup>st</sup> Response:* Overall the scheme is welcomed and will see the reinstatement of original features whilst making much needed alterations for the continuation of use as a school building. There are two distinct elements to the work and comments and points of clarification are made below:

External access improvement works – installation of access ramps and parking space

The siting of the ramps are supported and much effort has been made to reduce the impact of these new features, which is welcomed.

However, it is not clear why the new paving from the parking space, which replaced the grassed area, is not a continuation of the paving and is proposed in macadam finish. In addition, the finish to all new paved areas is not in an appropriate material and should be a continuation of what is currently on site. I am happy for this finish to be conditioned.

The parking space is welcomed and it is a point of agreement that the new area would improve the current space. However, the paint colour should be specified to be a light yellow, usually specified in conservation areas.

There is no detail as to the specific materials proposed for the new ramp walls and the handrails are considered lacking in good design when considering the level of detail found on site in ironmongery. A condition can be placed to control these details.

Internal access improvement works – installation of lift

The siting of the proposed stair lifts are well considered and supported. Details are still required to record the current situation. The proposed skirting, architrave etc will need to be conditioned because there isn't enough detail supplied. However, the proposal to reinstate to match original is supported.

Internal works – Upper and lower corridor toilets

These toilets are in much need of refurbishment and do not currently meet the needs of the school:

Lower corridor toilets:

The removal of the foyer space and reinstatement of the privacy screen is very welcome. There isn't enough detail to control the specification of the screens so this will need to be conditioned.

Whilst it is recognised that the works will result in the loss of some original fabric, and therefore a condition of recording will be required, there is a need for accessible toilets and there has been much care made in the siting and impact of these new cubicles. In particular the retention of the curved ended walls will retain the original plan form.

It is noted that the plans do not state the need for anything but reinstatement of new toilets and urinals and this suggests the refurbishment of the original metal divisions. A condition materials should include paint finishes, toilet and sink design, privacy screen (including those between the urinals) pre installation.

#### Upper corridor toilets

There is mention on the plan for new cupboards, the original cupboards were in good condition and their loss is resisted. They could be retained and refurbished/repaired and more information to justify their loss is required.

The plan notes the installation of roof insulation, there is no additional details for this proposal which will be required before consent is finalised.

It is noted that the plans do not state the need for anything but reinstatement of new toilets and urinals and this suggests the refurbishment of the original metal divisions. A condition materials should include paint finishes, toilet and sink design.

The plan notes the need to alter the original privacy screens but there is no justification or details for this work, this will be required before consent finalised.

#### Conclusion

Whilst the works are supported in general, there are two specific elements that require more justification/information before support can be recommended:

1. Information regarding insulation
2. Alteration to original privacy screens
3. Removal of cupboards in upper corridor toilets

There will be a number of conditions applied to any permission as it stands. It would be recommended that some if not most of these matters can be dealt with in this application process to reduce the number of conditions. The proposed conditions are:

#### ***Pre commencement***

1. Historic building recording

#### ***Pre installation:***

1. Materials – paint, bricks, paving, railings, privacy screens, toilets, sinks
2. Details of internal joinery
3. If required details of insulation, but the principle of insulation must be approved within this application.
4. If required details of works to original privacy screens but principle of changing the original screens must be approved within this application.

*2<sup>nd</sup> Response:* Thank you for the additional information and the updated plan. I am happy to agree a condition for the insulation, whilst the principle of insulation is agreed I am not content with the design and there is a need for a ventilated system to be installed.

In terms of the cubicles the look of the finish is not the issue it is the loss of original materials and evidential value. We are allowing a huge amount of change (much needed for the use of the school) and I believe that the material chosen is important to the character of this part of the building. I am happy to condition the material choice.

## **6. REPRESENTATIONS**

6.1 NEIGHBOURS: A site notice displayed and a press notice was published in the South Wales Argus. No representations were received.

## **7. ASSESSMENT**

7.1 This application seeks listed building consent for a variety of works to the Grade II listed Gaer Primary School. The proposed works are summarised below.

### *7.1.2 External Access Works:*

- The provision of a ramped access from an existing play area to the south east end of the school building.
- The provision of a ramped access from an existing play area to the north east end of the school building.
- The provision of a new disabled visitor parking space to the south west of the school building and associated accessible route to the main entrance. Following review of the Historic Buildings and Conservation Officer comments, the Applicant has submitted revised details which replace the macadam finish with paving stones to match those currently used at the site.
- The adaptation of the paving at the main school entrance to provide an accessible route from the new parking space.

### *7.1.3 Internal Access Works:*

- The provision of new platform access lifts between the lower, upper and link corridors. The new lifts would allow for disabled access between the upper and lower corridors without the need to go outside, as is the current situation. In addition the lifts would provide disabled access to the main hall.
- To facilitate the works, it is proposed to adapt two small store rooms and a new door opening would be formed.

### *7.1.4 Refurbishment of W.C's:*

- Replacement of W.C fixtures and fittings with new fittings and revised cubicle arrangement.
- Creation of a single disabled equipped cubicle within each pupil W.C and associated alterations to privacy screens.
- New finishes to walls, floors and ceilings including new tiling to splashbacks and vinyl sheeting to floors.

7.2 The application is accompanied by a Heritage Impact Assessment (HIA) outlining the significance of the historic asset, which is described by the list description as an exceptionally well preserved primary school, being the centrepiece of the Gaer Estate. It is also noted that the school forms an important example of early post-War school design, being a clear example of corridor based planning and highly expressive of the architectural ideals of its time. It is noted that the HIA provides a summary of alternative proposals considered and outlines why the those put forward represent the preferred options.

7.3 The Council's Historic Buildings and Conservation Officer has acknowledged that the works are much needed to improve the school environment and overall the scheme is welcomed from a building conservation perspective.

7.4 Notwithstanding the above, some concerns have been raised to various aspects of the proposals. Firstly, it was noted that the use of macadam finish adjacent to the proposed car parking space would not be appropriate. To overcome this issue, amended plans have been received proposing the use of paving to match the existing. Secondly, it was considered that the submission contained a lack of information regarding insulation, alterations to the privacy screens and the removal of the cupboards in the W.C's. Further information has been provided by the Applicant and the principle of the insulation has been agreed with the Historic Buildings and Conservation Officer. Furthermore, it was noted that the submission lacks a number of specific details, for example finishing materials, internal joinery etc. It is however considered reasonable to request these details via condition should listed building consent be granted and the Historic Buildings and Conservation Officer is in agreement with this approach.

- 7.5 In terms of historic fabric, the proposals would result in some loss, therefore a condition of recording has been recommended. Whilst the loss is noted, it would be minimal and the upgrades proposed would result in the creation of accessible toilets for all pupils. Furthermore, much care has been taken to minimise any loss of original historic fabric.
- 7.6 Based on the above and the advice contained within the consultation responses, it is considered that subject to the submission of acceptable details via condition, the proposals would preserve the building and its setting, as well as any features of special architectural and historic interest which it possesses.

## **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 proposals represent much needed changes to allow for the continued use of the school building for its original purpose. The principle of the proposals is regarded as acceptable and it is considered the scheme would preserve the listed building and its setting, including any features of special architectural or historic interest which it possesses, subject to the submission of acceptable details as required by the conditions below. In addition, it is considered that the proposals are in accordance with Policy SP9, of the Newport Local Development Plan 2011-2026. It is recommended that planning permission is granted subject to conditions and referral to CADW.

## **10. RECOMMENDATION**

### **REFER TO CADW WITH RECOMMENDATION TO GRANT WITH CONDITIONS**

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

Site Plan (Drawing No. NPS-DR-A-(SP)-008);  
Visitor Parking Space South West Wing Existing and Proposed Plans (Drawing No. NPS-DR-A-(DA)-002-A);  
Front Entrance Level Access – Existing and Proposed Plans (Drawing No. NPS-DR-A-(DA)-003-A);  
South East Wing Exit – Level Access for Pupils – Proposed Plan and Sectional Elevation (Drawing No. NPS-DR-A-(DA)-004-2-B);  
North East Wing Exit – Level Access and Ramp for Pupils – Proposed Plan and Sectional Elevations (Drawing No. NPS-DR-A-(DA)-05-2-B);  
South East Wing Corridor – Lift Lobby – Proposed Plans and Sectional Elevations (Drawing No. NPS-DR-A-(DA)-006-2);  
Hall Corridor Stairlift – Plan and Sectional Elevation – Existing Length Landing Version (Drawing No. NPS-DR-A-(DA)-007-1);  
Hall Corridor Stairlift – Plan and Sectional Elevation – Reduced Length Landing Version (Drawing No. NPS-DR-A-(DA)-007-2);  
Toilets – Lower Corridor – Proposed Plan and Sectional Elevations (Drawing No. NPS-DR-A-(GT)-03-A);  
Toilets – Upper Corridor – Proposed Plan and Sectional Elevations (Drawing No. NPS-DR-A-(GT)-04-A).

Received by the Local Planning Authority on 08/12/2021 and 09/02/2022.

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

#### ***Pre – Commencement Conditions:***

02 No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of safeguarding the special character of the listed building.

#### ***Pre – Installation Conditions:***

03 Before they are applied or installed, full details of all paint finishes, brickwork, paving, privacy screens, toilets, sinks and tiles to be used as part of the approved consent shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the works preserve the special architectural and historic interest of the listed building.

04 Before the installation of any internal joinery, full details of their design, specification, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale,

shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the works preserve the special architectural and historic interest of the listed building.

05 Before any metal railings/handrails are installed, details of their design, scale, material(s) and finish, in the form of drawings and sections to no less than 1:20 scale (or detailed specifications), shall be submitted to and agreed in writing with the Local Planning Authority. The works shall only be carried out in accordance with the agreed railings/handrails details.

Reason: To preserve the special architectural and historic interest of the listed building.

05 Before any insulation measures are installed, details of their construction, materials, design and methods of installation shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details.

Reason: To ensure the works preserve the special architectural and historic interest of the Listed Building.

#### *NOTE TO APPLICANT*

01 This decision relates to Plan Nos: NPS-DR-A-(DA)-001, NPS-DR-A-(SP)-008, NPS-DR-A-(DA)-002-A, NPS-DR-A-(DA)-003-A, NPS-DR-A-(DA)-004-1, NPS-DR-A-(DA)-004-2-B, NPS-DR-A-(DA)-005-1-A, NPS-DR-A-(DA)-05-2-B, NPS-DR-A-(DA)-006-1, NPS-DR-A-(DA)-006-2, NPS-DR-A-(DA)-007-1, NPS-DR-A-(DA)-007-2, NPS-DR-A-(GT)-01, NPS-DR-A-(GT)-02, NPS-DR-A-(GT)-03-A, NPS-DR-A-(GT)-04-A, received by the Local Planning Authority on 08/12/2021 and 09/02/2022.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policy SP9 was relevant to the determination of this application.

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

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4.

#### **APPLICATION DETAILS**

**No:** 22/0057      **Ward:** Victoria  
**Type:** Full Application  
**Expiry Date:** 14th March 2022  
**Applicant:** J Hallam  
**Site:** Public Convenience Livingstone Place Newport South Wales  
**Proposal:** **INSTALLATION OF RETRACTABLE AWNING TO COVER OUTDOOR SEATING AREA**

**Recommendation:** GRANTED WITH CONDITIONS

#### **1. INTRODUCTION**

1.1 This application seeks permission for the installation of a retractable awning to cover an outdoor seating area. Maindee Unlimited, the applicant have recently commenced works in connection with planning permission 19/0644 for the refurbishment and extension of the existing public convenience along this section of road to provide a new café, community space and public convenience with garden area. The area subject to this application forms part of the redevelopment.

1.2 The application is referred to Committee because the site is Council owned.

#### **2. RELEVANT SITE HISTORY**

<b>REFERENCE</b>	<b>DESCRIPTION</b>	<b>DECISION</b>
16/0235	CHANGE OF USE OF FORMER LIBRARY BUILDING (D1) TO COMMUNITY LIBRARY AND CENTRE (D2), DEMOLITION AND REPLACEMENT OF FORMER PUBLIC CONVENIENCES AND REDESIGN OF PUBLIC OPEN SPACE TO INCLUDE ERECTION OF LIGHTWEIGHT STRUCTURES ( FOR USE AS WCS AND ACTIVITY SPACE) AND LANDSCAPING	GRANTED CONSENT
17/1111	REFURBISHMENT OF EXISTING PUBLIC CONVENIENCE BUILDING INCLUDING ALTERATIONS TO ROOF EDGE AND CHANGE OF USE TO A3 CAFE AND COMMUNITY SPACE, ERECTION OF CLIMBING WALL, PUBLIC SCULPTURE AND PLAY EQUIPMENT AND MODIFICATION TO EXISTING COMMUNITY GARDEN AND ASSOCIATED LANDSCAPING	GRANTED CONSENT
18/1160	REFURBISHMENT OF FRONT OF BUILDING INCLUDING PROVISION OF NEW RAMP, SEATING AND RAISED PLANTERS	REFUSED
19/0644	REFURBISHMENT AND EXTENSION OF EXISTING PUBLIC CONVENIENCE TO PROVIDE NEW CAFE, COMMUNITY SPACE AND PUBLIC CONVENIENCE WITH GARDEN AREA	GRANTED CONSENT
21/0317	NON MATERIAL AMENDMENT APPLICATION FOR THE INSTALLATION OF A RECTANGLE AWNING IN RESPECT OF PLANNING PERMISSION 19/0644 FOR THE REFURBISHMENT AND EXTENSION OF EXISTING PUBLIC CONVENIENCE TO PROVIDE NEW CAFE, COMMUNITY SPACE AND PUBLIC CONVENIENCE WITH GARDEN AREA	REFUSED

### **3. POLICY CONTEXT**

- 3.1 Policies GP2 (general amenity), GP4 (highways and accessibility) and GP6 (quality of design) of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) are relevant to the determination of this application.

### **4. CONSULTATIONS**

- 4.1 NEWPORT ACCESS GROUP: No response.
- 4.2 SOUTH WALES FIRE AND RESCUE: The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.

The developer should also consider the need for the provision of:-

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

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

- 5.1 HEAD OF CITY SERVICES (PUBLIC PROTECTION MANAGER): No response.
- 5.2 HEAD OF CITY SERVICES (HIGHWAYS): The site is located at The Triangle between Chepstow Road and Livingstone Place. It is understood the building is subject to redevelopment as a café. The awning would not open out over the public highway but the application form indicates the site to be in the ownership of Newport City Council. Where awnings open out over adopted footways a vertical clearance of 2.4 metres is recommended for pedestrian safety. In terms of public safety I would recommend this clearance be applied to this application.

### **6. REPRESENTATIONS**

- 6.1 NEIGHBOURS: All properties within a 50m radius were consulted and no response was received.

### **7. ASSESSMENT**

- 7.1 This application seeks permission for the erection of an awning to the side of a café at Livingstone Place which has been converted from a public convenience building. The proposed awning would cover an outdoor seating area. Works to implement the consent (19/0644) are still underway. An NMA application was previously submitted in respect of a similar proposal. This application was refused on 8th July 2021 as determined to be a material change to the planning permission. The proposed awning would measure 8.27m in length and when fully open it will project 3.22m from the building. The vinyl material and housing would be mid grey in colour. Up to 4no. small aluminium tables and eight stacking chairs would be set out when the area is in use. When the café is closed, this furniture will be removed and stored in the building.
- 7.2 Policies GP2 (General Amenity) and GP6 (Quality of Design) of the Adopted Newport Local Development Plan 2011-2026 (Adopted January 2015) are relevant to the determination of this application. The Shopfront Design Supplementary Planning Guidance is also relevant.
- 7.3 The proposed awning has been reduced in size since the submission of the NMA application (from previous dimensions of 11.6m in length and 0.4m in projection when fully open) would have a simple design which would compliment the frontage of the café. The awning box is slim line in design and would sit comfortably under the soffit and above the existing fenestration. The height of the awning would not obscure the façade of the building, set at around just over 2.4m from ground level. The proposed colour would be in keeping with the café building and would only be opened during opening hours when the premises are staffed.
- 7.4 Notwithstanding this, the awning will facilitate the intensification of the use of the outdoor garden/patio area. In relation to amenity, it was noted as part of the previous applications for this site (17/111 and 19/0644) that the site is surrounded by development and residential

dwellings lie close to Livingstone Place and across Chepstow Road. Whilst the site already benefits from permission for use as a café and community garden, the proposed outdoor seating area has the potential for increased disturbance. In this regard, Chepstow Road is a main thoroughfare and the site is very close to existing commercial uses in the District Centre. As such a certain level of noise and disturbance can be anticipated in the area in any event from the other existing uses and the café. The use of this outdoor area for seating is not likely to worsen the amenity of the houses in Chepstow Road. There is scope for disturbance to the flats above 88 Chepstow Road and in Livingstone Place due to the close proximity of the site to these dwellings. However, any increased use of the space is unlikely to have any significant impact given the general noise levels and levels of public usage of Chepstow Road. In addition, planning permission 19/0644 limits the open hours of the premises to 08:00 – 20:00 Monday to Saturday and 10:00 – 18:00 on Sundays, thereby reducing the opportunity for noise and disturbance outside of these hours. The Fire Authority and the council's highways officers have no objections to the proposal. Given the commercial context of the site, the scale of the development and the high quality design, it is considered that the proposed awning would not have a harmful impact on the character of the streetscape or the surrounding area or a harmful impact in terms of amenity. It is therefore considered that the proposed development would comply with Policies GP2 and GP6, along with the Shopfront Design SPG.

- 7.5 The site is within the defended floodplain of the River Usk and is at risk of flooding. No Flood consequences Assessment was submitted with the application. As noted in the previous application 19/0644 significant parts of Maindee and the surrounding districts of the City lie within the floodplain and given the nature of the existing cafe it is not likely to attract persons from the wider city at any significant level and is most unlikely to increase the number of persons within the floodplain and therefore at risk in the event of a flood. On this basis the proposal is considered acceptable in terms of flood risk.

## 8. OTHER CONSIDERATIONS

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

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

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

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

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

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

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 The proposal is acceptable when judged against relevant policy and permission can be granted subject to conditions.

**10. RECOMMENDATION**

**GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents: Site Plan (received 18/02/2022) and Elevations (received 18/02/2022) and B35 Prestige Manufacturers Brochure.

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 awning shall be retracted outside of the hours 08:00 – 20:00 Monday to Saturday and 10:00 – 18:00 on Sundays.

Reason: In the interests of neighbour amenity.

*NOTE TO APPLICANT*

01 This decision relates to plan nos: Site Location Plan, Site Plan (received 18/02/2022) and Elevations (received 18/02/2022) and B35 Prestige Manufacturers Brochure.

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.

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5.

### **APPLICATION DETAILS**

**No:** 21/1259      **Ward:** Langstone

**Type:** Full Application

**Expiry Date:** 11th February 2022

**Applicant:** J L Llewellyn

**Site:** *Rosedale Caerlicken Lane Langstone Newport NP18 2JZ*

**Proposal:** ***PROPOSED CHANGE OF USE OF EXISTING DWELLING HOUSE TO CARE HOME (USE CLASS C2) ENLARGEMENT OF PARKING AREA, ALTERATIONS TO MEANS OF ENCLOSURE INCLUDING NEW RETAINING WALL AND PROPOSED EXTERNAL ALTERATIONS TO ANNEX BUILDING INCLUDING NEW ROOF THAT WILL RAISE ITS HEIGHT AND SOLAR PANELS***

**Recommendation:** **GRANTED WITH CONDITIONS WITH DELEGATED AUTHORITY TO HEAD OF REGENERATION INVESTMENT AND HOUSING TO ISSUE A DECISION AFTER 14<sup>th</sup> MARCH IF NO NEW CONCERNS RAISED BY CONSULTEES**

### **1. INTRODUCTION**

1.1 This planning application is for the change of use of an existing property (C3 Dwelling House) consisting of a 4-bedroom house and annex building to a children's care home (C2 Care Home) for up to 7 children and up to 7 members of full-time staff working at the site (not all at the same time). The application includes a proposal to extend the existing car park and demolish the existing boundary wall to allow improved access for emergency vehicles and visibility of vehicle ingress and egress. As well as full internal refurbishment, a roof replacement and increase of the ridge line is proposed to the annex building to provide a building regulation compliant roof pitch and new external windows and doors. No construction or refurbishment works are purposed that alter the exterior of the main house.

1.2 This item is reported to committee as is Council owned land.

### **2. RELEVANT SITE HISTORY**

97/1127: CONVERSION OF AN EXISTING DETACHED OUTBUILDING TO A TWO BEDROOM DWELLING WITHIN THE CURTILAGE OF ROSEDALE TO BE OCCUPIED BY RELATIVES OF THE OWNERS OF ROSEDALE - refused and allowed at appeal

### **3. POLICY CONTEXT**

3.1 The following policies contained in the Newport City Council LDP are considered relevant to the development of the application site:

- SP1 – Sustainability,
- SP5-Countryside,
- SP8-Special Landscape Area,
- SP9-Conservation of the Natural, Historic and Built Environment,
- GP2-General Amenity,
- GP3-Service Infrastructure,
- GP4-Highways and Infrastructure,

- GP5-Natural Environment,
- GP6-Quality of Design,
- GP7-Environmental: Protection and Public Health,
- T4-Parking.

Furthermore, the following Adopted Supplementary Planning Guidance is considered relevant:

- Parking Standards-August 2015,
- Tree, Woodlands and Development Sites-January 2017,
- Wildlife and Development-August 2015.

#### **4. CONSULTATIONS**

4.1 GWENT POLICE: No response.

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

5.1 HEAD OF CITY SERVICES (ECOLOGY):

My understanding is that there are no external works proposed to Rosedale Cottage itself, and that the only external works are proposed for the Annex. If this is the case, I have considered the works to the Annex building in relation to section 7.0, Figure 4 - '*Checklist for protected/priority Species Surveys*' set out in the Wildlife and Development SPG. I am satisfied in the case of the Annex that none of the criteria in Figure 4 are met in relation to the need for a bat survey. Therefore, we should attach the advisory note as below to any consent granted.

In accordance with planning policy and guidance we should seek biodiversity enhancements in respect of development, and in this instance, I would say that a proportionate enhancement would be the incorporation of 1 bat box into one of the gable ends of the Annex. Bat 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. I would recommend a Schwegler 1FR or 1 FQ model bat box. 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.

I gather some small trees / bushes may need to be removed, and whilst I think it likely that these are of low ecological value, they may still support nesting birds. The Applicant and their agents / operative should be reminded via an advisory note that nesting birds are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), whereby it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

#### **Bat Advisory Note**

Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are known or found to be roosting, Natural Resources Wales (NRW) must be contacted for advice.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary.

Where bats or their roosts are present, no works of site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result.

NRW can be contacted at:-

Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Newport CF24 0TP, 0300 065 3000

Bat Conservation Trust can be contacted at:-

5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845 1300228

## 5.2 HEAD OF CITY SERVICES (HIGHWAYS):

The application site is in parking Zone 4. In this zone a residential children's home requires: 1 space per resident staff, 1 space per 3 non-resident staff, 1 space per 4 beds. To accurately assess the parking demand, the applicant will need provide confirmation of the staffing requirements.

Caerlicken Lane is a single track lane subject to the national speed limit, with a carriageway width of only 3.2m in proximity of the site and steep gradients to the NE of the application site. Visibility requirements are set out in TAN18.

The existing visibility from the access is significantly substandard and the proposed change of use from a dwelling house to a care home would lead to an intensification of use of the access.

In the context of visibility TAN18 advises: *Where planning applications are submitted within an existing development site and served by an existing substandard access, there should be scope for a limited redevelopment that incorporated a substantial access improvement, even though the improved access would still be below standard.*

The applicant has identified amendments to the access arrangements, but it is not evident that these changes will result in a substantial improvement to visibility. I therefore have no option but to oppose the application on highway safety grounds.

## 5.3 HEAD OF CITY SERVICES (LANDSCAPING): No objection subject to revisions.

The application is for conversion of the existing annex which is detached from the main house, and an additional 5 parking spaces. The masonry colour is confirmed to match the existing. The site lies within the Wentwood SLA and a high standard of design is required, in addition the site is visible, sited at the junction of Caerlicken Lane with the A48.

No soft landscape plan has been submitted, and although the detail could be conditioned, there are concerns regarding the external layout which need to be addressed at this stage in order to provide suitable space and locations for soft landscape mitigation, in particular to the site boundaries.

The proposals do not meet national or LDP policy.

Development proposals should include ecological conservation and enhancements in line with the Environment (Wales) Act 2016 providing a net benefit for biodiversity (also referred to in PPW 2021).

The proposal should meet the requirements of GP5 General Development Principles – Natural Environment :

- vi The proposal includes an appropriate landscape scheme which enhances the site and the wider context including green infrastructure and biodiversity networks.
- vii The proposal includes appropriate tree planting or retention where appropriate and does not result in the unacceptable loss of or harm to trees, woodland or hedgerows that have wildlife or amenity value

The site lies within the Wentwood Special Landscape Area so policy SP8 will apply. Proposals are required to contribute positively to the area through high quality design, materials, and management schemes that demonstrate a clear appreciation of the area's special features.

A number of queries arise from the proposals as follows:

Car park and frontage:

Is the proposal to upgrade the car park area from asphalt to tarmac and regrade levels?

The extent of walling and fencing to the boundaries is not clear.

Two trees are shown outside the site to the north? Please confirm ownership and proposal to retain or remove.

Some of the conifer hedge to the lane will require removal, the extent of removal is to be confirmed on the layout plan. Although the hedge is non-native and incongruous, along with the wall it will be providing a screen onto the existing car parking area. Replacement planting should therefore consider mitigating for the loss of this screen and to soften any new fence runs. Note that the planting beds for the two new trees are insufficiently wide to sustain successful tree growth and that trees will not screen adjacent views from the lane.

Annex:

Brick paving is shown on the existing plan for the annex although the proposed plan shows this as tarmac. Please confirm the proposal. Note that there is probably scope to provide planting to better integrate the building into the landscape and a better designed amenity space for users of the annex.

It is assumed the swimming pool is to be filled in and surfaced in tarmac, this will create a continuous surface of tarmac between the annex and cottage, again there is probably scope to provide planting and a better designed amenity space for users of both the annex and cottage.

The proposed level treatment to the west elevation is unclear ie. the extent of retaining structures and how levels will tie back into boundaries- please clarify.

SAB: Can the applicant confirm whether a SAB application will be required? If so above ground space to meet amenity and biodiversity standards will be required and a joined up indicative landscape drainage scheme is recommended at this stage.

Requirements:

It is strongly recommended that professional landscape architect input is sought to identify site assets and constraints, and to input to the layout to provide suitable site boundary treatment, meet national and LDP policies, and provide a suitable amenity for residents and staff. There appears to be some potential for planting to soften the building impacts to the south onto the A48 and adjacent footpath, to the north and west onto open fields, to the east onto the lane. Generally boundaries onto open fields should be planted with native hedging and small tree groups where space permits in order to integrate the built environment into the rural setting.

A detailed soft landscape plan is required which should include tree planting pit details.

- 5.4 HEAD OF CITY SERVICES (TREES): No objection.
- 5.5 HEAD OF CITY SERVICES (WASTE): No response.
- 5.6 PUBLIC PROTECTION MANAGER: Having considered the details of the development as submitted in the application supportive information, the Noise and Neighbourhood Team have no objections to the application in principle. However, the following should be attached to any permission granted:

## **Noise**

A noise assessment should be submitted with any full application:

### **Noise Assessment**

Since the proposed dwelling are in close proximity to existing noise sources (road traffic noise from the A48), the applicant will be required to submit, a full noise assessment to demonstrate that the site is suitable for residential development. If the noise assessment indicates that noise from the development will impact residents, then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the local planning authority. Please find attached our standard noise traffic conditions:

### **Road Traffic Noise – Internal**

No development, other than demolition, shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that **all** such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

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

### **Development/Construction Hours**

To protect the amenity of existing residents, I would recommend that there is no arrival, departure, loading or unloading of vehicles, development and/or construction (including land raising and demolition if required) occurs outside the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays. There shall be no development on Sundays or Bank Holidays.

**Reason:** To protect the amenities of nearby residents.

### **Sound Insulation**

In relation to sound insulation for the proposed development, I have not commented. I assume that Building Control will ensure that the Building Regulations, Approved Document E is applied.

### **Artificial flood lighting**

Poorly designed lighting and/or excessive lighting could have both an impact on the environment (wildlife/night sky) and may result in a visual light nuisance to local residents and vehicle users. Therefore, the applicant is required to submit a floodlighting scheme before planning permission is granted.

The scheme is to include details on the light source (height, position/angle, columns etc), time of use, lighting levels and intensity footprint, glare and spillage, cut off times, sky glow, maintenance programme etc. To assist the applicant, I have copied our standard planning condition below:

### **Floodlighting – 5EV Lux**

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

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

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

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

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

### **Waste Storage and Recycling**

There is a lack of information regarding the waste storage and recycling facilities that will be provided to serve the future development. Therefore, either additional information is required or the following condition is recommended;

Prior to first beneficial use, a scheme for the provision of waste storage and recycling shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first beneficial use and thereafter maintained for the duration of the use.

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

5.7 SENIOR DRAINAGE ENGINEER: no response.

## **6. REPRESENTATIONS**

6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (3 properties) and a site notice displayed and no responses have been received.

6.2 COUNCILLORS ROUTLEY AND MOGFORD were consulted: No comments received.

6.3 LANGSTONE COMMUNITY COUNCIL: N response.

## **7. ASSESSMENT**

7.1 The property is accessed from Caerlicken Lane. The annex refurbishment is approximately 150m<sup>2</sup> and the car park is approximately 50m<sup>2</sup> and both are within the curtilage of the existing property. The main building is currently used for the care of 4 children but its lawful use remains a dwelling as its current use for the care of a small number of children has not materially changed its lawful dwelling use. The annex at present is vacant, in poor condition and in significant need of renovation and improvement.



*Fig 1.1: Aerial photograph of the property (source: Google Maps)*

7.2 It is proposed to use the property to accommodate 7 “Children Looked After” who are under the care of the Newport City Council and members of staff for supervision during the day and overnight. In terms of the proposed use of the premises, it would fall within the Use Class C2. Whilst the existing house is used to care for 4 children (with 4 full time staff employed), the conversion of the annex building on site to accommodate an additional 3 children results in a material change to the use of the site as a whole. Consequently, this application relates to the entire site and its change of use to a care home.

- 7.3 The annex building is an existing extension to the main building and has previously been used as a domestic annex to house family members linked to the occupants of the main dwelling. It is not a separate dwelling.
- 7.4 It is proposed to refurbish this building internally thereby providing 3 units, capable of being used by children with a little more independence but still under the management and supervision of staff on site. Each unit in the annex will include a bedroom, bathroom, kitchen, and living space. As the occupants will still be under the care of the Council and their occupation linked to the management of the care home, they will not be separate dwellings.
- 7.5 Externally the annex building will be fitted with a new pitched roof and new windows and doors. It is proposed to install a 2m high timber fence within the site to aid the management and supervision of the children to suit their needs.
- 7.6 Currently the existing courtyard is being used for parking by staff and is suitable for 5 vehicles. To provide betterment to the site to cope with additional staff the applicants are proposing to extend the car park by approximately 52sqm to create an additional 3 parking spaces and a disabled space. The existing external wall and steel gate will be removed close to the existing access to ensure sufficient space for access by emergency vehicles if required and improved sight lines for vehicle ingress and egress. 3no. Electric vehicle chargers will also be provided within the car park.
- 7.7 The proposed new units in the annex building are referred to in supporting information as “emergency accommodation” that will enable appropriate children placements to “step up” into the adjacent Care Home which will provide longer term accommodation. The emergency accommodation is to make available spaces for children who need emergency and shorter term care due to personal circumstances but is not intended to provide these children with long term residency. The main house does this and children offered emergency care will either “step up” to the main residence if longer term care is required or will move to other establishments or potentially a home. These will be children for which the Council has a public social care responsibility. Rosedale will enable possible economies of scale from the joint management of the site as a care home for both long term child residents and a place where children can be offered short term accommodation in emergency situations. Such savings to the public purse are a consideration and the provision of this type of care and associated economic considerations are very significant benefits that weigh heavily in favour of the proposed scheme and the overall objectives of national guidance in terms of meeting the well-being objectives and the Council’s own steps to achieving its wellbeing objectives.
- 7.8 It is understood that to limit disruption to the lives of longer term residents and enable the provision of suitable care and assistance, the 2 elements need to be separated on site and this is assumedly why the current set up on site, with the main house continuing to operate as it currently does and the separate annex building providing the emergency care facilities, is seen as an appropriate means of achieving this.
- 7.9 The applicants have advised that *“Care Homes are generally situated in urban areas close to the range of facilities towns offer. This is the case for some placements and the portfolio of facilities owned and operated by the Council reflects and caters for these needs with a mix of properties located at urban and semi-rural locations being available. Currently, however, Gwent Partnership Board are unable to house*

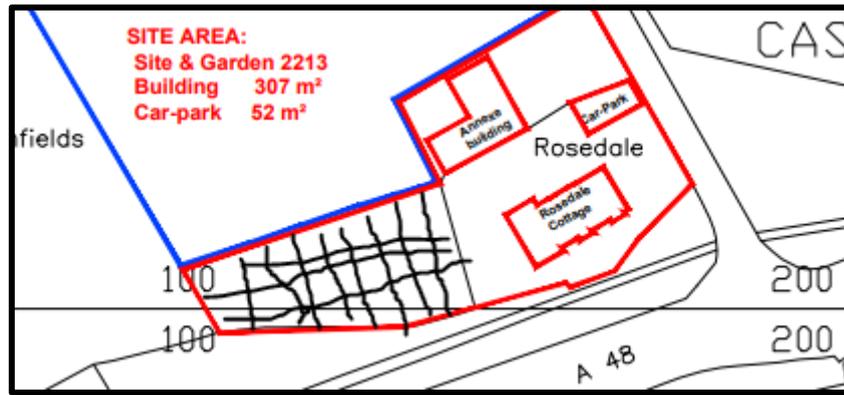
*placements in a rural/isolated location that could offer the therapeutic environment necessary to assist the development of certain children. There are specific and tested instances where such an environment can provide specific benefits as follows:*

..

- *For children who specifically require quiet and peaceful surrounds.*
- *For children who, if placed in more urban locations, could be susceptible to negative influences which would be closer to hand.*
- *Reducing risks to children and keeping them safe*

*There is a considerable body of evidence that children who have experienced trauma benefit from living in a residential care environment that provides access to outdoor green space. Simply the provision of “nature/landscape” views can provide a therapeutic effect.”*

- 7.10 The change of use and the facilities it will provide have clear and significant merit and are supported in principle. The care of children, albeit in a domestic setting and akin to use as a dwelling, takes place already and the Local Planning Authority is not aware of any complaints that have been made to it regarding the current use. Increasing the occupation and subsequently the number of staff on site will intensify movements within and around the site but this will only occur if and when the emergency accommodation is required. Notwithstanding, the impact of full occupancy must reasonably be considered as part of this assessment.
- 7.11 The proposed site occupies a rural setting and the property is clearly visible from the A48 as you pass the outskirts of Langstone approaching Parc Seymour. The current dwelling is a dormer bungalow style with a part wall/part fence boundary to the south that screens some views along with existing landscape. No changes are proposed to this. The annex is set further back, behind the main unit and of a much more modest height but of a generous footprint. The annex is more readily viewed when passing the site along Caerlicken lane. This is due to the fact it sits opposite the site access which currently comprises a gated entrance adjoining the highway with high rendered piers on either side with fencing and a conifer hedge running southward from the point of access to the southern boundary of the site. The lane and land north of the site inclines to the nearest residential unit to the north known as Wynfield. This is separated from the site by green space also owned by the Council but not in residential use or proposed for use as part of this application. The proposals will have no direct impact upon this neighbouring property but any increased vehicular activity at the site may be visible by these residents as they are located at an elevated level in comparison with no intervening obstructions to visibility.
- 7.12 The nearest dwelling to the west, Highfields, is also located some distance from the proposed development, separated by green space owned by the Council but not apparently in use as garden. It is enclosed by fencing but aerial imagery indicates this land has not previously been used as garden and has no lawful use as such. This area is included within the site area for this proposal but its use as garden would likely give rise to added impacts notably in terms of visual amenity, by reason of its proximity to and visibility from the highway and public spaces. In this rural location the accumulation of domestic accoutrements here would not be supported. Consequently, a condition is required to limit the garden space for the care home to land identified on a suitable plan. Overall, the intensification of use at the site, bearing in mind the purpose of the use is to give home to minors that will be under close supervision, is unlikely to give rise to any increased disturbance to the nearest neighbours which are located some distance from the site. Whilst cases such as this often generate concerns relating to crime and disorder, no such concerns have been raised at time of writing in respect of this proposal and such considerations should, in this case, be given little weight in officer view.

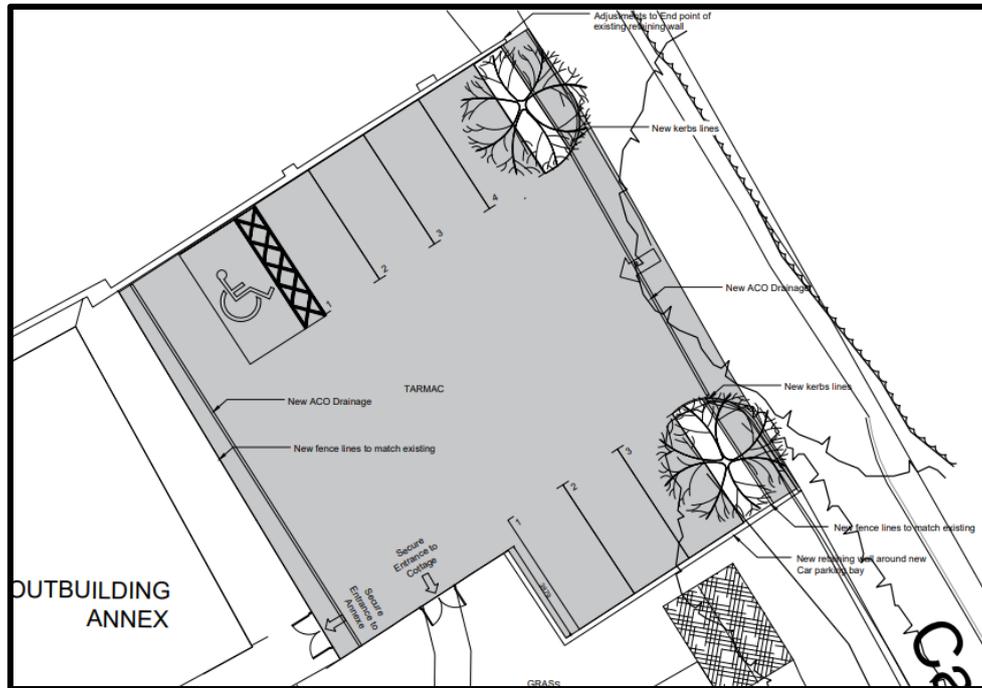


*Land shown with black hatch is not suitable for use as garden to the care home*

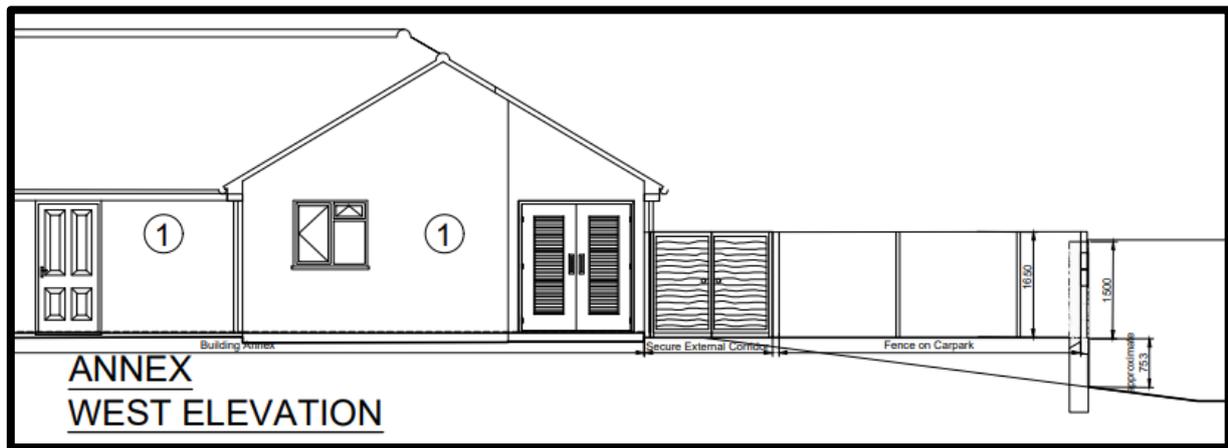
- 7.13 The site lies outside any urban boundary and is in the countryside for planning purposes. As such the site is implicitly less sustainable than urban locations. Local Policy SP1 seeks to guide development to more sustainable locations within the urban boundary and preferably on brownfield sites. Policy SP5 (countryside) requires that development should be appropriate and respect the landscape character and biodiversity of the immediate and surrounding area and is appropriate in scale and design. National Policy in the form of Planning Policy Wales (Edition 11) generally supports the principle of appropriate and sustainable rural development. Planning Policy Wales notes that for most rural areas the opportunities for reducing car use and increasing walking, cycling and use of public transport are more limited than in urban areas. In rural areas most new development should be located in settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Development in these areas should embrace the national sustainable placemaking outcomes and, where possible, offer good active travel connections to the centres of settlements to reduce the need to travel by car for local journeys. It is quite clear that the location of the proposed care home is less sustainable in general terms and this area does not offer higher levels of non-car dependent access as larger rural settlements might. Although there is a bus service along the A48 which is close to this site, the frequency of such buses does not match that of urban areas and is unlikely to suit a shift based pattern of working for staff. It is very likely that the home will be almost entirely dependent on use of the private motor car and in general terms the location is in breach of local and national policy in sustainability terms. However it should be noted that the site is in an existing use of a house and annex and is already a traffic generator. This can offset some of the policy harm but the overall conclusion must be that the site is less sustainable and local and national policy is breached albeit in a relatively minor way due to the existence of the fallback position. Policy SP1 (Sustainability) is not complied with.



Plans provided show the removal of the outbuilding shown to the right of the photo above and the provision of a more level parking area with part retaining wall to the left of the photo (south of the parking area) with a 1.6m high fence on top. This fence will also extend across the end of the parking area (thereby partially screening views of the annex from the access). The access will be significantly widened with new kerb lines to either side and new fencing both sides adjoining proposed parking bays.



7.14 Whilst details of the fencing have been provided, the plans lack clarity in relation to the extent of retaining wall features proposed on site, the treatment of the northern boundary and overall landscaping of the site. Whilst trees are shown adjacent to the widened access, the Landscape Officer has advised that the beds appear to be too small to accommodate trees and there is no information regarding wider landscape plans for the site that would assist in mitigating the expanse of hard surfaced area and fencing proposed along with the enlarged massing of the annex building. Officers agree with these comments but consider that such details can be secured by way of condition as the principle of enlarging the parking area to the south as per the above plan is agreeable as is the introduction of small retaining walls within the site itself that will likely be screened from wider views by existing features and buildings. The provision of fencing within the site is claimed to be permitted development as does not exceed 2m, but in several areas the combination of retaining structures and the fence exceed this height and clearly require permission. Furthermore, fencing adjacent to the highway cannot exceed 1m to be permitted development. Notwithstanding, it is recommended a condition be imposed to secure full details of all boundary treatments on site prior to any works to the parking area and access. Furthermore, a condition is recommended to secure the works to the parking and access area prior to first beneficial use of the annex building along with details of how existing access and parking requirements will be managed whilst such works are being undertaken so as to avoid overspill parking on nearby land or in the layby south of the site for example. A landscaping scheme, having regard to the site's location and the works proposed is also required by condition.



*Elevation plan provided showing combined height of new retaining wall and fence proposed to south of car park as 2.25m.*

- 7.15 The proposals to raise the height and increase the roof pitch of the annex building itself along with new windows and doors are seen as positive. Whilst it will increase the scale of the building (in height only), the new pitch is of a much more traditional angle/slope and more in keeping with the host property. Whilst the changes will be visible, they are not harmful to residential or visual amenity over and above the existing situation. The annex building will still appear subordinate to the main dwelling and the set back from the neighbouring highways will ensure the proposals do not appear unduly dominant or obtrusive. Notwithstanding, in combination with the other works proposed such as fencing and expansion of hard surfaced car park the site risks taking on a rather institutional appearance and clearly different to a domestic residence. Officers consider this can be mitigated via appropriate landscaping, surfacing details and boundary treatment that seek to soften the open car park view from Caerlicken Lane and from further rural vantage points. The site lies within the Wentwood Special Landscape Area and a high standard of design is required, in addition the site is visible, sited at the junction of Caerlicken Lane with the A48. The proposal should meet the requirements of GP5 General Development Principles – Natural Environment of the adopted Local Development Plan to include an appropriate landscape scheme which enhances the site and the wider context including green infrastructure and biodiversity networks. It should also include appropriate tree planting or retention where appropriate and should not result in the unacceptable loss of or harm to trees, woodland or hedgerows that have wildlife or amenity value. Policy SP8 will also apply so the proposals are required to contribute positively to the area through high quality design, materials, and management schemes that demonstrate a clear appreciation of the area's special features. As noted above, no landscape scheme has been provided but is clearly required. The Tree Officer and Ecology Officer have not objected although the latter recommends a condition regarded necessary ecological enhancement and a note to applicant on any decision regarding timing of works. In this case, officers are satisfied that the landscape scheme is reasonably necessary and can be subject to condition.
- 7.16 In respect of highway matters, the Highways Officer has objected to the proposals citing concerns for visibility in particular. In terms of parking 7 spaces are proposed with one additional disabled bay. The parking requirements as confirmed by the Highways Officer are 1 space per 3 non resident staff and 1 space per 4 bedrooms which would mean 3 spaces for staff and 2 more spaces based on bedroom numbers as it is understood that none of the 7 staff employed on site are resident but instead work on a shift pattern. Therefore, sufficient parking is shown.
- 7.17 In relation to visibility the Highways Officer notes a lack of clarity regarding the improvements suggested by the applicant. The current access has very poor and

substandard visibility. The plans proposed show widening of the access but also the set back of boundary enclosures adjoining the widened access that will undoubtedly give rise to visibility improvements. However, the lack of clarity regarding boundary treatment along the site boundary with Caerlicken Lane and factors such as retaining walls etc give rise to uncertainty about the true extent of the improvements arising. This is important bearing in mind the intensification of vehicular movements that will arise from the increased staffing at least. It is considered that this will be mitigated by way of the condition that seeks details of boundary treatments. A plan showing visibility splays would also be beneficial as may necessitate the realignment of proposed kerbing details to maximise highway visibility for safety sake. These details can tie in with the other information expected such as landscape.

- 7.18 Concerns expressed by the Public Protection Manager are noted. However, the main property is already operating as a care home for 4 children and this will not change. The added rooms are located in the annex set behind the main property and further away from the A48 which may give rise to traffic noise. Such noise will be screened in part by the existing property and having regard to the former use of the property as a residential annex, the requirement for a noise assessment in this case is onerous and unnecessary. Conditions relating to lighting and waste management are recommended. A condition relating to construction working hours is considered unnecessary and best regulated by others if complaints arise.
- 7.19 Finally, officers have no objections to the solar panels proposed. These will be located on the south facing roof slope of the annex building facing the main property and may be visible in passing along the A48 but will not appear unduly prominent or obtrusive.

## **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

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 clear that this facility could be located more sustainably but it would not offer the linked accommodation and associated economic benefits and logical tie in with the existing care home. This site offers a degree of seclusion even from the nearest neighbours which in effect will offer a quiet and green environment judged by the applicant to be of real benefit to the user group. Its location is a key part of its suitability to this client group and the provision of care to suit their needs. This is based upon information provided with this application. However, occupation by other and more individuals, albeit within a "care" environment, or management by another party whose care focus differs to the information provided at this time, may well give rise to additional or different impacts and merits that could affect the planning balance. Accordingly, a condition that restricts occupancy in terms of the management of the home and the number of the occupants is considered reasonable. Balanced against this is a small increase in local traffic as staff will need to access the site. There is no evidence that there will be any highway capacity issues, nor increased risk to other road users albeit that some points of clarification have been discussed above and are considered appropriately resolved via conditional details. The access upgrades will be beneficial and will raise the currently sub-standard access. In effect against the current 'fallback' position of the site as a house and annex the sustainability disadvantage can be seen as modest. The lack of local facilities is not a great disadvantage to the user group given most of their needs will be met in the home rather than in the general community and in any event, the Langstone settlement is located within a walkable distance where some limited facilities do exist. Overall Officers conclude that on balance the proposal is acceptable given that the specific needs of the users group, the number of intended occupants and the current use of the site as a small care home for children outweigh the harm to sustainability and that planning permission should be granted subject to conditions. The proposals are considered acceptable and it is recommended that permission be granted subject to the stated conditions. In light of time still to run on some more recent neighbour consultations, it is requested that delegated authority be given to the Head of RIH to issue this decision once the consultation period has expired and on the basis that no new objections (i.e. different to concerns considered above) are raised.

**10. RECOMMENDATION**

**GRANTED WITH CONDITIONS WITH DELEGATED AUTHORITY TO HEAD OF REGENERATION INVESTMENT AND HOUSING TO ISSUE A DECISION AFTER 14<sup>TH</sup> MARCH IF NO NEW CONCERNS RAISED BY CONSULTEES**

01 Plans

The development shall be implemented in accordance with the following plans and documents except where further details required by other conditions of this permission:

NPS DR A\*\* 501 P1, DR-A-031P1, DR-A-020P1, DR-A-032P2, DR-A-020P6, DR-A-001P2, supporting statement and fence specification details.

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 Access and parking:

No works of development on the widening of the access and changes to the parking area including demolition shall be commenced until visibility along Caerlicken Lane has been opened up in accordance with full visibility details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To allow safe access to the site. Policy GP4.

##### 03 Enclosure Details:

Notwithstanding the details provided and prior to their construction and installation details of all the proposed means of enclosure to the site shall be provided to and agreed in writing by the Council. Thereafter the approved boundary enclosures shall be provided prior to first beneficial use of the annex accommodation hereby approved and retained thereafter. No other means of enclosure or gates shall be provided without the written permission of the Council.

Reason: To protect rural character and the character of the Special Landscape Area. Policies SP5, SP8 and GP2.

##### 04 Landscaping:

Notwithstanding the details provided and prior to the commencement of development hereby approved, a detailed soft and hard landscaping scheme shall be submitted to and approved in writing by the Council. This scheme shall include planting specifications for:

- Trees to be planted including tree pit details
- Hedgerows to be planted
- Other planting features to be provided and materials to be used in new hard surfaced areas.

The scheme shall include a management plan for a 5-year period to ensure that the new planting becomes established or is replaced if it dies and shall have regard to the ecological mitigation and enhancements to be provided under other conditions of this approval. The planting shall be provided within the first full planting season (October to March inclusive) following the occupation of any part of the scheme and shall be maintained as agreed for the specified period.

Reason: To ensure suitable planting is provided in the interests of ecological mitigation / enhancement, rural character & appearance, visual amenity and the interests of the Wentwood Special Landscape Area. Policies GP5, GP7, GP2 and GP5.

#### Pre beneficial use conditions

##### 05 Access upgrades:

Prior to the first beneficial use of the annex accommodation hereby approved the access and parking improvements (extension of parking area, visibility splays and surfacing, realignment of kerb lines) shown in Drawing NPS \*\* 501 1 (Proposed External Arrangements) and subject to revised or additional details set out in conditions 2 and 3 of this permission, shall be provided fully as approved and shall be retained thereafter.

Reason: To ensure the site can be safely accessed in the interest of Highways safety. Policy GP4.

##### 06 Ecological Enhancement:

Prior to first beneficial use of the annex accommodation hereby approved, 1 bat box shall be installed and ideally incorporated in one gable of the annex and retained thereafter.

Reason: In the interest of providing biodiversity mitigation and net benefit in accordance with Policy GP5 of the NLDP 2011-2026 (adopted January 2015), Planning Policy Wales Ed10 and the Environment (Wales) Act 2016.

##### 07 Waste Storage:

Prior to first beneficial use, a scheme for the provision of waste storage and recycling shall be submitted to and approved in writing by the local planning authority. The approved

scheme shall be implemented prior to first beneficial use and thereafter maintained for the duration of the use.

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

#### General and directive conditions

##### 08 Occupancy and Management:

The care home hereby approved shall only be operated by Newport City Council or its approved sub-contractors to accommodate looked after children up to the age of 18. No more than 7 children shall be resident at any one time.

Reason: the care home is justified in this location due to the particular care needs of this user group and to protect rural character. Policy SP5.

##### 09 Lighting:

No means of external lighting shall be installed on the wider application site unless an appropriate lighting scheme has been submitted to the Local Planning Authority and approved in writing. The scheme shall include lighting type, positioning and specification and shall include an isolux drawing. Any approved scheme shall be implemented as agreed and no other means of external lighting shall be provided. Reason: To safeguard ecological and amenity interests. Policies GP2 and GP5.

##### 10 Curtilage:

The garden associated with the care home hereby approved shall be limited to the land outlined in red on the plan attached to this notice of decision.

Reason: To prevent prominent land adjoining the garden being used for leisure purposes incidental to the care home use and associated accumulation of domestic style accountments or similar as these are seen as harmful to rural character and appearance. Policy GP2 and SP5.

#### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: NPS DR A\*\* 501 P1, DR-A-031P1, DR-A-020P1, DR-A-032P2, DR-A-020P6, DR-A-001P2, supporting statement and fence specification details, DR-A-10, DR-A-30, DR-A-500, DR-A-(00)001, Planning Statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP5, GP2, GP3, GP4, GP5, GP6, GP7, SP8, SP9 and T4 were relevant to the determination of this application.

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

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

#### **05 Bat Advisory Note**

Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are known or found to be roosting, Natural Resources Wales (NRW) must be contacted for advice.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary.

Where bats or their roosts are present, no works of site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result.

NRW can be contacted at:-

Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Newport CF24 0TP, 0300 065 3000

Bat Conservation Trust can be contacted at:-

5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845 1300228

Operatives must be reminded that nesting birds are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), whereby it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

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