

# Report



## Planning Committee

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### Part 1

Date: 11 August 2016

Item No: 4

Subject **Planning Application Schedule – Site Visit**

**Purpose** To make decisions on items presented on the attached Schedule.

**Author** Interim Development and Regeneration Manager

**Ward** As indicated on the schedule

**Summary** Attached is a Planning Application Schedule, detailing those applications requiring a site visit, as recommended by Planning Committee on 3<sup>rd</sup> August 2016. The Planning Committee will visit the site listed in the attached schedule, in order to gain a better understanding of the proposal/case so that a decision can be made.

**Proposal** **1. To visit the application site detailed in the attached Schedule.**  
**2. To make decisions in respect of the Planning Application Schedule attached.**

**Action by** Planning Committee

**Timetable** Immediate

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

## Protocol

1. A Planning Protocol for Planning Sub-Committee site visits was approved by Council on 08 April 2008 and amended in February 2013.
2. A Sub-Committee of the Planning Committee will be constituted for the purposes of undertaking site visits on behalf of the Planning Committee. It will be known as the Planning Site Sub-Committee.
3. The Planning Site Sub-Committee shall comprise of six named Councillors of the Planning Committee. Rules of political balance as set down in the Local Government and Housing Act 1989 will apply.
4. A site visit by the full Planning Committee may be undertaken in lieu of the Planning Site Sub-Committee if the scale or sensitivity of the development merits such consideration. The decision to undertake a full Planning Committee visit lies with that Committee.

## Purpose of Site Inspections

5. Site inspections by the Planning Site Sub-Committee or full Planning Committee will be undertaken for the following purposes:
  - fact find;
  - investigate specific issues raised in any request for a site inspection;
  - investigate issues arising from the Planning Committee presentation or discussion;
  - enable the Planning Committee/ Site Sub-Committee to make decisions.

## Requests for Site Inspections

6. Any member of the Council may request that a planning application site be visited by the Planning Site Sub-Committee prior to the determination of that application. Such requests must be made in writing [e-mail is sufficient] to the named case officer dealing with the application or the Development Services Manager. Any such request must include specific reasons for the visit.
7. Applications subject to a request for a visit will be reported to the Planning Committee. The report will include details of the request and the reasons given. Planning Committee will decide, following a full presentation of the application, whether or not a site visits is necessary to inform the decision making process.
8. Where no request for a site visit has been made members of the Planning Committee may decide during consideration of an application that a site inspection would be beneficial. The reasons for the visit should be agreed and recorded as part of the minute of the meeting.
9. Occasionally there will be circumstances when timescales for determination will not allow site visits to be programmed in the normal way eg those related to telecommunications development. In such **exceptional circumstances**, at the discretion of the Chairman and Vice-Chairman of the Planning Committee, a site visit may be undertaken prior to the presentation of the matter to the Planning Committee. **As Members of the Sub-Committee will not have received a formal presentation on the application a recommendation cannot be given.** They will be able to report their findings of fact to the Planning Committee. Members should make their written request, with reasons, in the normal way. All other aspects of the protocol will apply.

## Attendance at Planning Committee/Site Sub-Committee Visits

10. Attendance at Planning/ Site Sub-Committee visits is to be restricted as follows:

- Members of the Planning / Site Sub Committee;
- Relevant Officers;
- Ward Councillors;
- Single representative of the Community Council [if relevant];
- Applicant/Agent to allow access to the site;
- Neighbour/other Landowner [where access is required to make any assessment].

## **Representations at Planning/ Site Sub-Committee Visits**

11. A site visit is not an opportunity to lobby on an application. Accordingly, no representations may be made to the Planning Site Sub-Committee by any party. Members of the Sub-Committee may ask questions of those present to establish matters of fact and inform their consideration of the application.

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## **Background**

The reports contained in this schedule assess the proposed development or the unauthorised 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.

The purpose of the attached reports and associated Officer presentation to the Committee is to allow the Planning Site Sub 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. There is no third party right of appeal against a decision.

Where formal enforcement action is taken, the recipient of the Notice has a statutory right of appeal in most cases. There is no third party right of appeal against a decision with the exception of High Hedge Remedial Notices. Appeals are normally lodged with the Planning Inspectorate at the Welsh Assembly Government, with the exception of Section 215 Unsightly Land Notices, for which appeals are heard by the Magistrates' Court. Non-compliance with a statutory Notice is a criminal offence against which prosecution proceedings may be sought. The maximum level of fine and/or sentence that can be imposed by the Courts depends upon the type of Notice issued.

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 or Planning Site Sub Committee refuses an application against Officer advice, Members will be required to assist in defending their decision at appeal.

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

### **Financial Summary:**

The cost of determining planning applications, taking enforcement action, carrying out Committee site visits 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.

In the case of Section 215 Unsightly Land Notices, an appeal is lodged with the Magistrates' Court and the Council will seek to recover all its costs in relation to all such appeals.

In the case of Stop Notices, compensation can be awarded against the Council if it is demonstrated that the breach of planning control alleged has not occurred as a matter of fact, the breach is immune from enforcement action due to the passage of time, or the activities/development have already been granted planning permission.

### **Risks:**

Four risks are identified in relating to the determination of planning applications by Planning Committee or Planning Site Sub 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.

An appeal can be lodged by any recipient of a formal Notice, with the exception of a Breach of Condition Notice. 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.

If a Stop Notice is issued, compensation can be awarded against the Council if it is demonstrated that the breach of planning control alleged has not occurred as a matter of fact, the breach is immune from enforcement action due to the passage of time, or the activities/development has already been granted planning permission. Legal advice is sought before taking such action, and a cost-benefit analysis is undertaken to fully assess the proposed course of action.

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

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

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Decisions challenged at appeal and costs awarded against the Council.	M	L	<p>Ensure reasons for refusal or reasons for taking enforcement action can be defended at appeal.</p> <p>Ensure planning conditions imposed meet the tests set out in Circular 35/95.</p> <p>Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.</p>	<p>Planning Committee</p> <p>Planning Committee</p> <p>Development Services Manager and Senior Legal Officer</p>
Appeal lodged against non-determination, with costs awarded against the Council	M	L	Avoid delaying the determination of applications unreasonably.	Development Services Manager
Judicial review successful with costs awarded against the	H	L	Ensure sound and rational decisions are made.	<p>Planning Committee</p> <p>Development Services</p>

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Council				Manager
Compensation awarded in relation to a Stop Notice	M	L	Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.	Development Services Manager and Senior Legal Officer

\* Taking account of proposed mitigation measures

### Links to Council Policies and Priorities

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

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

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

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

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

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

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

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

## **Options Available**

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

## **Preferred Option and Why**

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

## **Comments of Chief Financial Officer**

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

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

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

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

## **Comments of Monitoring Officer**

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

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

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

## **Local issues**

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

## **Equalities Impact Assessment and the Equalities Act 2010**

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in

better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

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

### **Children and Families (Wales) Measure**

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

### Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act 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 (section 5).

Objective 9 (Health and Well Being) of the adopted Newport Local Development Plan (2011-2026) links to this duty with its requirement to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

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

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

Section 31 clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. The provision does not apportion any additional weight to the Welsh language in comparison to other material considerations. Whether or not the Welsh language is a material consideration in any planning application remains entirely at the discretion of the decision maker.

### Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. Objectives 1 (Sustainable Use of Land) and 9 (Health and Well-being) of the adopted Newport Local Development Plan (2011-2026) link to this requirement to ensure that development makes a positive contribution to local communities and to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.



## **Consultation**

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

## **Background Papers**

### **NATIONAL POLICY**

Planning Policy Wales (PPW) Edition 8 (January 2016)

Minerals Planning Policy Wales (December 2000)

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

TAN 1: Joint Housing Land Availability Studies (2006)

TAN 2: Planning and Affordable Housing (2006)

TAN 3: Simplified Planning Zones (1996)

TAN 4: Retailing and Town Centres (1996)

TAN 5: Nature Conservation and Planning (2009)

TAN 6: Planning for Sustainable Rural Communities (2010)

TAN 7: Outdoor Advertisement Control (1996)

TAN 8: Renewable Energy (2005)

TAN 9: Enforcement of Planning Control (1997)

TAN 10: Tree Preservation Orders (1997)

TAN 11: Noise (1997)

TAN 12: Design (2014)

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: The Welsh Language: Unitary Development Plans and Planning Control (2013)

TAN 21: Waste (2014)

TAN 23: Economic Development (2014)

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

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

Welsh Government Circular 016/2014 on planning conditions

### **LOCAL POLICY**

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

#### Supplementary Planning Guidance (SPG):

Affordable Housing (adopted August 2015)

Archaeology & Archaeologically Sensitive Areas (adopted August 2015)

Flat Conversions (adopted August 2015)

House Extensions and Domestic Outbuildings (adopted August 2015)

Houses in Multiple Occupation (HMOs) (adopted August 2015)

New dwellings (adopted August 2015)

Parking Standards (adopted August 2015)

Planning Obligations (adopted August 2015)

Security Measures for Shop Fronts and Commercial Premises (adopted August 2015)

Wildlife and Development (adopted August 2015)

### **OTHER**

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

The Economic Development Strategy is a material planning consideration.

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 are relevant to the recommendations made.

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

**APPLICATION DETAILS**

**No:** 16/0215      **Ward:** RINGLAND  
**Type:** FULL (MAJOR)  
**Expiry Date:** 02-MAY-2016  
**Applicant:** HOUSING SERVICES MANAGER  
**Site:** LAND ADJACENT TO AND WEST OF, HARTRIDGE FARM ROAD, NEWPORT  
**Proposal:** DEVELOPMENT OF A PERMANENT GYPSY AND TRAVELLER SITE COMPRISING 35NO. PITCHES EACH WITH STUDIO UNITS AND ANCILLARY WORK AND CHANGE OF USE OF ROAD SAFETY CENTRE TO SITE OFFICE AND COMMUNITY CENTRE AFFECTING PROW 405/04 LLANWERN

**Recommendation:** GRANTED WITH CONDITIONS

**1. INTRODUCTION**

- 1.1 This application is for the provision of 35 caravan pitches for permanent occupation by gypsy/travellers at the site of the Road Safety Centre on Hartridge Farm Road, Ringland. The site area is 4.78Ha. The proposal includes ancillary infrastructure consisting of roads, drainage, footways, lighting, visitor parking spaces, 2 No. truck parking spaces, bin storage, CCTV camera & landscaping. The Road Safety Centre building will be retained as a site office and community facility.
- 1.2 It is proposed to deliver the pitches on a phased basis with 9 pitches in the first instance for two families and the remaining 26 developed to accommodate a third family and growth within the first two families. On completion the site will consist of 3 distinct and separate areas to accommodate the three families as follows:

Site	Total Pitches	Pitches in Phase 1
A	18	5
B	13	4
C	4	0

- 1.3 Sites A and B will be accessed from Hartridge Farm Road via an upgraded access in the same position as the existing access to the road safety centre. Site A will be at the southern end of the site nearest the railway and will be accessed via a spur road with a gated access. Site B will be located to the north of the existing road safety centre building and will have a loop road arrangement which will also be gated. Site C will be accessed via a separate access point on Hartridge Farm road near to the Ringland Way roundabout on the SDR road.
- 1.4 Each pitch will measure 25m by 25m and will be fenced in by a mixture of 1.8m close board fences and otherwise by a 1.2m high wicket fence. Access to each pitch will be gated with a timber agricultural style gate. On pitch there will be an area of paviour blocks which will accommodate two car parking spaces (2.4m by 4.8m) and 2no. caravan pitches measuring 4m by 15m (sufficient to accommodate a static caravan). There will be a paved area measuring 9m by 14m on which will be sited a day room measuring 8.75m by 5.25m which will contain a kitchen/diner, utility room, storage cupboard and bathroom/W.C. The day room will be 2.44m to the eaves and 4.7m to the pitch. Proposed materials are timber effect wood / resin composite cladding, artificial slate, grey aluminium doors, door frames & window frames and uPVC soffits, fascias and water goods. Areas of on-pitch landscaping are proposed.

- 1.5 The existing road safety centre building will be converted to a site manager's office and a community facility. The only physical change proposed is ramp at the main entrance. No commercial activity is sought for the site which will be entirely residential.
- 1.6 Access will be via the existing Hartridge Farm Road. Each access lane, two in number will require up-grading to improve visibility and will be gated. The accesses are sufficiently wide to allow access by all vehicle types including emergency vehicles. Each of the three sites will effectively be cul-de-sacs aligning with Welsh Government Guidance on site layout where through traffic is discouraged. Footpaths will lead from each site out on to Hartridge Farm Road to connect into the wider highway network. A new 1.8m wide footway will be provided on the western side of Hartridge Farm Road as far as Ysgol Gymraeg Casnewydd. New streetlighting is proposed in the lane.

**2. RELEVANT SITE HISTORY**

None.

**3. POLICY CONTEXT**

3.1 Relevant Policies of the adopted Newport Local Development Plan 2011-2026 are:

Policy	Wording
SP1 Sustainability	- Proposals will be required to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary. they will be assessed as to their potential contribution to: i) the efficient use of land; ii) the reuse of previously developed land and empty properties in preference to greenfield sites; iii) providing integrated transportation systems, as well as encouraging the co-location of housing and other uses, including employment, which together will minimise the overall need to travel, reduce car usage and encourage a modal shift to more sustainable modes of transport; iv) reducing energy consumption, increasing energy efficiency and the use of low and zero carbon energy sources; v) the minimisation, re-use and recycling of waste; vi) minimising the risk of and from flood risk, sea level rise and the impact of climate change; vii) improving facilities, services and overall social and environmental equality of existing and future communities; viii) encouraging economic diversification and in particular improving the vitality and viability of the city centre and district centres; ix) conserving, enhancing and linking green infrastructure, protecting and enhancing the built and natural environment; x) conserving and ensuring the efficient use of resources such as water and minerals.
SP9 Conservation of the Natural, Historic & Built Environment	- The conservation, enhancement and management of recognised sites within the natural, historic and built environment will be sought in all proposals.
GP2 – General Amenity	Development will be permitted where, as applicable: i) there will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality; ii) the proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area; iii) the proposal seeks to design out the opportunity for crime and anti-social

	<p>behaviour;</p> <p>iv) the proposal promotes inclusive design both for the built development and access within and around the development;</p> <p>v) adequate amenity for future occupiers.</p>
GP3 – Service Infrastructure	<p>Development will be permitted where, as applicable:</p> <p>i) necessary and appropriate service infrastructure either exists or can be provided;</p> <p>ii) in areas served by the public foul sewer, there is capacity for the development within the system or, if not, satisfactory improvements are provided by the developer;</p> <p>in areas served by the public foul sewer, development will not be permitted with connections to private facilities unless there are exceptional circumstances that prevent connection to the public sewer.</p>
GP4 – Highways & Accessibility	<p>Development proposals should:</p> <p>i) provide appropriate access for pedestrians, cyclists and public transport in accordance with national guidance;</p> <p>ii) be accessible by a choice of means of transport;</p> <p>iii) be designed to avoid or reduce transport severance, noise and air pollution;</p> <p>iv) make adequate provision for car parking and cycle storage;</p> <p>v) provide suitable and safe access arrangements;</p> <p>vi) design and build new roads within private development in accordance with the highway authority's design guide and relevant national guidance;</p> <p>vii) ensure that development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network.</p>
GP5 – Natural Environment	<p>Development will be permitted where, as applicable:</p> <p>i) the proposals are designed and managed to protect and encourage biodiversity and ecological connectivity, including through the incorporation of new features on or off site to further the UK, Welsh and/or Newport biodiversity action plans;</p> <p>ii) the proposals demonstrate how they avoid, or mitigate and compensate negative impacts to biodiversity, ensuring that there are no significant adverse effects on areas of nature conservation interest including international, European, national, Welsh section 4232 and local protected habitats and species, and protecting features of importance for ecology;</p> <p>iii) the proposal will not result in an unacceptable impact on water quality;</p> <p>iv) the proposal should not result in the loss or reduction in quality of high quality agricultural land (Grades 1, 2 and 3a);</p> <p>v) there would be no unacceptable impact on landscape quality;</p> <p>vi) the proposal includes an appropriate landscape scheme, which enhances the site and the wider context including green infrastructure and biodiversity networks;</p> <p>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.</p>
GP6 – Quality of Design	<p>Good quality design will be sought in all forms of development. the aim is to create a safe, accessible, attractive and convenient environment. in considering development proposals the following fundamental design principles should be addressed:</p> <p>i) context of the site: all development should be sensitive to the unique qualities of the site and respond positively to the character of the area;</p> <p>ii) access, permeability and layout: all development should maintain a high level of pedestrian access, connectivity and laid out so as to minimise noise pollution;</p>

	<p>iii) preservation and enhancement: where possible development should reflect the character of the locality but avoid the inappropriate replication of neighbouring architectural styles. the designer is encouraged to display creativity and innovation in design;</p> <p>iv) scale and form of development: new development should appropriately reflect the scale of adjacent townscape. care should be taken to avoid over-scaled development;</p> <p>v) materials and detailing: high quality, durable and preferably renewable materials should be used to complement the site context. detailing should be incorporated as an integral part of the design at an early stage;</p> <p>vi) sustainability: new development should be inherently robust, energy and water efficient, flood resilient and adaptable, thereby facilitating the flexible re-use of the building. where existing buildings are present, imaginative and sensitive solutions should be sought to achieve the re-use of the buildings.</p>
GP7 – Environmental Protection & Public Health	Development will not be permitted which would cause or result in unacceptable harm to health because of land contamination, dust, instability or subsidence, air, heat, noise or light pollution, flooding, water pollution, or any other identified risk to environment, local amenity or public health and safety.
CE6 – Archaeology	<p>Development proposals will normally be required to undertake an archaeological impact assessment before the proposal is determined:</p> <p>i) where groundworks and/or the installation of services are proposed within the archaeologically sensitive areas of Caerleon, the levels, lower Machen and the city centre , or;</p> <p>ii) within other areas of recognised archaeological interest.</p>
T3 – Road Hierarchy	<p>In order to facilitate the effective and safe use of the highway network a hierarchy of roads will be established. this road hierarchy will be used to determine the principle of access for new developments, it comprises the following:</p> <p>iv) access routes – these provide access to residential areas, industrial areas, the city centre and small rural communities and businesses. if necessary, and for reasons of safety and amenity, traffic movements and speed will be restricted. Walking, cycling and bus routes will be incorporated into layouts where appropriate. These roads will often give greater priority to pedestrians and cyclists.</p>
T4 – Parking	Development will be required to provide appropriate levels of parking, within defined parking zones, in accordance with adopted parking standards.
T7 – Public Rights of Way & New Development	Any public footpath, bridleway or cycleway affected by development proposals will require retention or the provision of a suitable alternative. provision of additional routes, where appropriate, will be sought in new developments, with linkages to the existing network.
H16 – Gypsy & Traveller Residential Accommodation	Land is allocated for permanent gypsy and traveller residential accommodation at Hartridge Farm Road, Ringland (8.64ha).
H17 – Gypsy & Traveller Accommodation Proposals	<p>Proposals for gypsy and traveller caravan sites, including on land outside defined settlement boundaries, will be permitted provided:</p> <p>i) the site is well related to suitable community facilities and services for the prospective occupants;</p> <p>ii) the site is capable of being served by utilities including sustainable waste disposal and recovery and emergency services;</p> <p>iii) the site is not within areas at high risk of flooding, given the particular vulnerability of caravans;</p>

	iv) there is an identified and genuine, local need for accommodation for the occupiers.
CF2 – Outdoor Playspace Requirements	Where development results in the loss of open space or a requirement for open space is demonstrated in conjunction with Policy SP13, provision in accordance with the fields in trust standard (or as amended) will be sought. The developer will be required to pay a commuted sum to cover future maintenance.
CF12 – Protection of Existing Community Facilities	Proposals that would result in the loss or change of use of buildings currently used for community facilities will only be permitted if: i) alternative provision can be made, of at least an equal benefit to the local population; or ii) it can be demonstrated that the existing provision is surplus to the needs of the community.

### National Policy

#### 3.2 Circular 30/2007; Planning for Gypsy and Traveller Caravan Sites

This circular offers general advice on the identification of gypsy sites and the processing of related planning applications. Paragraph 19 offers the following advice:

Issues of **site sustainability** are important for the health and well-being of Gypsy and Travellers not only in respect of environmental issues but also for the maintenance and support of family and social networks. It should not be considered only in terms of transport mode, pedestrian access, safety and distances from services. Such consideration may include:

- Opportunities for growth within family units;
- The promotion of peaceful and integrated co-existence between the site and the local community;
- The wider benefits of easier access to GP and other health services;
- Access to utilities including waste recovery and disposal services;
- Access for emergency vehicles;
- Children attending school on a regular basis;
- Also other educational issues such as space e.g. for touring or static play bus, homework club, teaching base for older children and adults
- suitable safe play areas;
- contribute to a network of transit stops at intervals that reduce the need for long-distance travelling - see paragraph 7;
- possible environmental damage caused by unauthorised encampment;
- not locating sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans and;
- regard for areas designated as being of international or national importance for biodiversity and landscape.

### Non Planning Guidance

#### 3.3 Designing Gypsy & Traveller Sites (May 2015)

The guidance relates to Local Authority owned sites.

Paragraph 3.2: Sites should be for 20 pitches or less unless there are exceptional circumstances and consultation and engagement has taken place with stakeholders

Paragraph 3.5: Where larger sites are developed, Local Authorities should consider the possible impact of the site on community cohesion, access to services and environmental sustainability. It

is important that the views of prospective residents and the surrounding local community are gathered during consideration of developing larger sites.

Paragraph 3.8: A number of factors will have to be taken into account when deciding upon the physical layout of the site. These include: the number of families to be accommodated, type and location of facilities or amenities, access issues and the environment and aesthetics of the land to be developed. The ethnic, cultural or family groupings who are resident on the site may also give rise to particular design considerations. For example, where sites are to be shared by different communities a 'tree branch' design may be preferable to a 'circular' design

Paragraph 3.15: Sites may include a range of facilities, including community buildings or play areas, which could affect the layout of the site.

Paragraph 3.21: If a location is considered inappropriate for conventional housing use on the grounds of health and safety, then it should also be considered inappropriate for a Gypsy and Traveller site. A Gypsy and Traveller site should not be located in areas which will have a detrimental effect on the general health and well-being of the residents. The location of a site should enable, not hinder, access to services such as health and education.

Paragraph 3.22:

Access – Local Authority residential sites should be located with access to public roads and footpaths leading to the site. Although access to public transport would be ideal, it may be unrealistic in close proximity to the site in rural settings;

Suitability of land – A site survey should be undertaken which will identify possible problems such as drainage, risk of flooding, contaminated land etc. Local Authorities should consider whether remediation work to resolve any problems is financially viable. Mobile homes are considered to be highly vulnerable to flooding so sites should not be situated in C2 flood zones. Locations in C1 flood zones should be subject to a justification test.<sup>14</sup>

Local Services – Ideally located within reasonable distance from education settings, health services and shops. If a site is located, or is going to be located, in a rural area this will not be achievable in many instances. Local Authorities must comply with the Learner Travel (Wales Measure) 2008 (as amended) and associated guidance. For further details please see the Learner Travel pages of the Welsh Government website<sup>15</sup>;

Environment – sites should not be located next to hazards such as rivers or canals, unless appropriate mitigation can be installed. Locating sites next to industrial sites or major roads should be carefully considered, which may require monitoring of noise and air quality and resultant design measures to reduce the impact.

Utilities – water, electricity, sewerage, drainage and refuse disposal should be provided on all sites. This may require consultation with utility providers to ensure any essential criteria for new connections is understood.

Sustainability – the site should be available for use as a Gypsy and Traveller site in the long-term (at least 21 years).

Paragraph 3.30: Care should be taken to integrate the boundary treatment of the site into the local environment. The aim should be to achieve a balance between securing the boundaries and maintaining a pleasant and more open environment on site.

Paragraph 3.37: As a minimum, each pitch should be capable of accommodating an amenity block, a mobile home, touring caravan and parking for two vehicles. Section 60 of the Mobile Homes (Wales) Act, defines 'mobile home' as measuring up to 20 metres in length and 6.8 metres in width. However, Local Authorities should consider consulting the proposed occupiers of the site to determine whether they intend to occupy smaller static caravans or mobile homes which meet these maximum dimensions.

Paragraph 3.43: Amenity blocks should include a separate WC with a sink unit for hand washing which is accessible through a lobbied room. Baths with overhead showers are recommended.



The block should also include a store room, a kitchen and food preparation area and a small dining area for the family. The diagram at Annex 2 provides an example illustration of how this could be designed. The minimum recommended floor space of an amenity block is 23m<sup>2</sup>.

Paragraph 4.8: On larger sites (sites with more than 20 pitches) a communal building is likely to be necessary and should be discussed with site residents. The community building could be used for outreach and support work, youth clubs, playgroups, quiet space for children doing homework, adult education, early years' sessions or health clinics.

#### 4. CONSULTATIONS

##### 4.1 GLAMORGAN & GWENT ARCHAEOLOGICAL TRUST (GGAT):

The Trust can confirm that **the proposal has an archaeological restraint**. An Archaeological field evaluation has been conducted on the site by Archaeology Wales (Report no. 1413) dated November 2015. The evaluation trenches uncovered numerous features dating from the late Iron Age through to the Roman period, concentrated in the southwest corner of the proposed development area. The cremated remains of at least two individuals were recovered, drainage gullies and ditches, a stone lined drain, as well as ring ditches and postholes were recorded suggesting sustained occupation.

Whilst the site may not necessarily be of national importance, it is certainly of regional importance and is likely to be adversely affected by the proposed development. Therefore it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

We envisage that, based on the results of the archaeological field evaluation, this programme of work would take the form of the full excavation of the southern section of the site, and an archaeological watching brief during the groundworks required for the development in the northern section of the site. It will contain detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. We note that section 8.4 of the Planning Statement states that an archaeological excavation and watching brief will take place and a written scheme of investigation will be produced which will detail the required work.

To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014

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

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

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

##### 4.2 DWR CYMRU / WELSH WATER (DCWW): No objection subject to the application of conditions preventing connection of surface water drainage to the foul sewer and the provision of a 10m easement either side of the water main that crosses the site.

- 4.3 WALES & WEST UTILITIES: Advise of equipment in the area and safe working practices.
- 4.4 WESTERN POWER DISTRIBUTION: Advise of equipment in the area and safe working practices.

## **5. INTERNAL COUNCIL ADVICE**

- 5.1 HEAD OF STREETSCENE & CITY SERVICES (HIGHWAYS): the proposed layout is acceptable and no objections are raised.

### **5.2 HEAD OF STREETSCENE & CITY SERVICES (ECOLOGY OFFICER):**

#### **5.2.1 No objection but comments as follows:**

1-A water vole survey was undertaken in 2015 and no evidence of water vole was found during the survey. The proposed application site does not include the reed. No further surveys are recommended;

2-A bat survey of the trees was not undertaken as there are no proposed works to any of the trees on the site. If any works are proposed to the trees at a later stage that these will need to be assessed for bat potential;

3-A bat scoping survey was undertaken in May 2015. Following on from this 2 emergence surveys were completed in May and June. No bats were observed leaving the building. A general activity transect survey was also undertaken. The results of this found that bats were foraging (feeding) along the eastern tree boundary of the site;

4-A reptile survey has been undertaken on the site and a 'good' population of slow worms has been identified on the site. Therefore the site does meet SINC (site of Importance for Nature Conservation) criteria and as such should be given material planning consideration in line with NCC Wildlife and Development SPG;

5-A Phase 1 survey of the site has been undertaken. None of the habitats impacted by the proposed development meet SINC criteria for botanical interest.

#### **5.2.2 The following planning conditions are recommended:**

1-A sensitive lighting scheme will need to be implemented in order to maintain the dark corridors that are used by foraging bats around the periphery of the site;

2-The site does meet SINC criteria therefore in accordance to the Wildlife and Development SPG an area of known slow worm habitat will need to be managed as compensation. This ratio is set at 1:1:5. The compensation area will need to be managed for a period of 7 years and monitored. Approximately 6.2 hectares of slow worm habitat will be lost, therefore 9.3 hectares will need to be managed off site;

3-Phased approach to clearance for the archaeological dig. It is recommended that these areas are initially cut to a height of 150mm, by hand working in one direction. Arising will need to be collected and removed to another part of the site which are not going to be excavated. The second cut, a few days later will need to be undertaken using the same approach. Once the grass is cut to a height of 50mm then excavation can begin. This will need to be in line with the submitted reptile mitigation strategy;

4- I'm led to believe that the site is to be developed in phases. As such it is recommended that a phased approach to habitat manipulation and eventually reptile translocation will be required. Given the first phase of the project will not impact upon the areas noted for having the most slow worms it is recommend that habitat manipulation is used to (as described above) to move the slow worms away from the construction zone. Reptile fencing will need to be erected to prevent slow worms moving back into the site. When the details of the remainder of the site are submitted, then a translocation can take place. A reptile mitigation strategy will need to be conditioned and agreed with the NCC Ecology Officer prior to commencement of works. The reptile mitigation strategy which has been submitted will need to be updated and amended to reflect a 'phased' approach. If for some reason the phased approach is not going to be an option and the whole site is to be developed as one the translocation off the site will be required. This

will need to be undertaken over an entire season by suitably qualified ecologists prior to commencement of works;

5-Protective mammal fencing around the site as shown on plans will need to be conditioned and maintained indefinitely;

6-Vegetation works should be undertaken outside bird nesting season.

- 5.3 HEAD OF STREETSCENE & CITY SERVICES (PUBLIC RIGHTS OF WAY): PROW 405/4 is affected by this proposal. As it stands, the PROW will need to either be formally diverted out of the site or extinguished.

Paragraph 4.4 of the 'Design and Access Statement' states that "... an extinguishment or diversion will be sought once planning permission is gained." The Planning process should not assume that a PROW modification order can be guaranteed. This possible diversion/extinguishment order will be subject to the usual Legal procedure and consultation process which affords any member of the public the right to make comments or objections. Valid objections which cannot be overcome could see the proposal refused.

For this reason we would suggest that Planning Permission should not be granted prior to the possible diversion or extinguishment being formally granted.

One unrelated point to put on record, the application refers to the "former Road Safety Centre" numerous times. However, this is the current Road Safety Centre. The building is still being used for road safety education purposes and no formal notification of its closure has ever been received by the Road Safety Officer who occupies the building. If the building is to cease its road safety function then adequate notice will be required, particularly for the schools who participate in road safety education at the venue as they will need to make alternative arrangements.

- 5.5 HEAD OF LAW & REGULATION (CONTAMINATED LAND): Advises the application of planning conditions to address any ground contamination issues that may arise since the site is previously developed land.
- 5.6 HEAD OF LAW & REGULATION (NOISE): No objection subject to conditions relating to:
- Limitations to the impact of railway noise (to be achieved by acoustic fencing);
  - Limitations to the impact of noise from the RSPCA centre (to be achieved by acoustic fencing);
  - Application of a Construction Environment Management Plan condition.
- 5.7 HEAD OF HOUSING & REGENERATION (PLANNING POLICY): Most of the site falls within an Archaeologically Sensitive Area. It is noted that an Archaeological Evaluation has been submitted with the proposal. It is recommended that the Glamorgan and Gwent Archaeological Trust (GGAT) are consulted on this application.

In terms of the layout and design, it is noted that no provision has been made for play. Guidance provided in the Welsh Government 'Designing Gypsy and Traveller Sites' (May 2015) notes the importance of play provision, along with the 'Good practice guide for play and early years – Developing and managing Gypsy and Traveller Sites'. The submitted Planning Statement acknowledges the importance of play space and suggests that the applicant will work with children from the site to develop a number of informal play spaces. However at present, there is no indication of where these areas will be or what they will contain. For a development of this size, onsite playing space would usually be expected.

The proposed development will also affect a public footpath. The applicant will need to satisfy Policy T7 of the LDP.

The principle of the site is policy compliant and supported. However, the lack of onsite play provision needs further consideration in order to satisfy Policy CF2 of the LDP (Outdoor Play Space Requirements). The intention of the applicant to provide play space is supported, however there needs to be a firmer commitment to this. Play space provision is usually

estimated from the number of people expected to live on the site. Therefore further discussion is necessary between the Local Planning Authority and applicant to determine where the play space areas will be and whether they will include equipment or not.

## 6. REPRESENTATIONS

### 6.1 NEIGHBOURS:

All properties within 100m of the application site were consulted (81 properties), 3 no. site notices were displayed (outside Ysgol Gymraeg Casnewydd, at the Hartridge Farm Road / Pwll Pen Lane junction and on the gates to the Road Safety Centre) and a press notice was published in the South Wales Argus.

#### 6.1.1 315 proforma letters were received making the following points:

- Additional traffic will be generated
- The proposed access to the site is unacceptable and a different access would avoid harm to amenity of residents
- Noise mitigation for future residents is inadequate
- Hedgerows should be retained
- The existing access to the Road Safety Centre should be closed up.

#### 6.1.2 40 other objections were received raising the following issues:

- Additional traffic will be generated
- The proposed access to the site is unacceptable and a different access would avoid harm to amenity of residents
- Noise mitigation is inadequate
- Hedgerows should be retained
- The existing access to the Road Safety Centre should be closed up.
- Caravan pitches are too close to the RSPCA kennels and will be subject to noise
- Hartridge Farm Road is very busy especially at school pick-up and drop-off, increased traffic will create an unacceptable accident risk.
- The caravans will not be able to open their windows because of noise concerns
- An additional noise survey should be carried out because of noise issues on the site
- There should not be a communal area for storing waste bins due to concerns over vermin infestation.
- No commercial use should be allowed on the site.
- Crime will increase.
- The site will be larger than advised by Welsh Government (35 pitches rather than 20)
- More traffic will increase accident risk in the lane.
- The pavement will unacceptably narrow the existing lane.
- The site will overwhelm the local population
- Residents have not been consulted
- Additional traffic in the lane will reduce the privacy of residents
- The plots are too near the mainline railway and will be unacceptably noisy.
- Increased traffic poses a risk to children accessing the school sites on Hartridge Farm Lane
- Adding a pavement will make Hartridge Farm Lane too narrow, vehicles will struggle to pass each other.
- The site should only be used for residential use
- The site will add to existing social problems in Ringland
- There is a high level of objection to the site, this should not be ignored.
- The site is too large and the gypsies will be socially isolated.
- Existing access to the old 'Labour Club' and the water works could be used instead of Hartridge Farm Lane.
- Extra traffic will endanger people walking dogs from the RSPCA centre.
- Granting planning permission would be a poor decision.

- Emergency vehicles will not be able to get up and down Hartridge Farm Lane because of the additional traffic.
- The footpath will prevent people parking in the lane since it will be too narrow.
- Hartridge Farm Lane is usually blocked by parked traffic at school drop-off and pick-up times – traffic using the site will not be able to get past.
- Gypsies do not want to live on the site and will not live together peaceably
- Additional pupils will put strain on local schools
- Ringland lacks social facilities
- The plans for the application are not clear
- Road noise and railway noise make the site too noisy for people to live on
- Prospective future developments will add even more traffic to the current lane which is already overbusy.
- Complaints about noise will prejudice the future of the RSPCA centre.
- New streetlighting will have an adverse impact on the living conditions of existing residents.
- Hartridge Farm Lane should not be used to access the site.
- Future living conditions for occupiers will be poor due to surveillance cameras and the close proximity of non-related families.
- There are archaeological remains on the site
- The site has significant bio-diversity value
- There will be fly-tipping and untended horses
- The gypsies and local people will not get along
- There is no support for the proposal
- Emergency vehicles will not be able to access the lane if it is narrowed
- The plans have been kept a secret and the decision is being rushed.

One comment in support raising the following points:

- The gypsies need a permanent site.
- The re-location of the gypsies from their current location will bring benefits to the industrial estate (Queensway Meadows).

6.1.3 Two comments making observations:

- The RSPCA wish to maintain good relations with current and future neighbours.
- Some pitches are close to the boundary of the RSPCA centre and this may result in noise complaints.
- Further noise assessment is required to ensure no noise nuisance will arise and good neighbourly relationships are maintained.
- The proposed refuse point is too close to the dwelling located within the RSPCA centre.
- Features that children who may live on the site would like to see were identified.

6.1.4 Two comments were not published on the Council's website; one due to offensive content and another since it made no planning based comments.

6.2 COUNCILLOR KELLAWAY (LLANWERN): The proposed entrance will have a negative impact on existing properties on Hartridge Farm Road, will see an increase in traffic both domestic and commercial vehicles travelling past the high school for both access and egress by its very nature will increase road safety concerns for the travellers, school children (denying them safe route to school) and existing residents, serious consideration ought to be given to moving the access to a point that is acceptable to all parties.

Regarding the PROW, as per the officer's report<sup>1</sup> I would suggest that planning application be suspended until this issue has been addressed for the reasons given by the officer.

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<sup>1</sup> Public Rights of Way Officer's Consultation comment.

I would at this point ,continue to oppose the application for any residential development until the issues highlighted by Environmental Health officer has been fully addressed for the sake of existing and future residents.

- 6.3 LLANWERN COMMUNITY COUNCIL: The proposed access to the site is considered unsuitable and does not mitigate the impact it will have on existing residents and the Welsh language primary school. The Community Council suggests an access point lower down Hartridge Farm Road or using the former Social Club Access.

Objections regarding access and egress have been raised by residents and the Community Council request Highways and the Applicant consider alternative routes to the proposed site using access points lower down Hartridge Farm Road which will have a lesser effect on existing dwellings.

## 7. ASSESSMENT

- 7.1 The key issues relevant to the determination of the application are:

- Impact of traffic generation from the site on Hartridge Farm Lane.
- Impact of the proposal on existing residents of Hartridge Farm Lane.
- The impact of noise on the residential amenity of the proposed site.
- General suitability of the site in terms of facilities and layout.
- Loss of the Road Safety Centre

- 7.2 Other minor issues are:

- Impact on the Public right of Way.
- Impact on bio-diversity; badgers, bats, slow worms
- Impact on Archaeology.
- The scale of the site.
- Sustainability

### 7.3 Impact of traffic generation from the site on Hartridge Farm Lane

- 7.3.1 The proposal is to use the existing access arrangements to the Road Safety Centre, that is Hartridge Farm Road and the current site access. A footway will be added on the western edge of the road and streetlighting provided.

- 7.3.2 The access has not been objected to by the Head of Streetscene and City Services and is considered to be technically adequate to meet the requirements of the site in terms of moving mobile homes onto the site, accommodating occasional movements by touring caravans (should any occupiers maintain a nomadic lifestyle) and the day to day movements of the occupiers

- 7.3.3 Housing site H1(57) in the Deposit Plan (LDP), April 2012 identified this site (actually a slightly larger site) for housing to provide 290 units. In the draft deposit LDP the site (slightly reduced) was identified as Newport's permanent gypsy site and this was carried through into the adopted plan. To be clear the current site is allocated as a gypsy traveller site in the adopted Newport Local Development Plan (2011-26) under Policy H16. As such the use of the site for residential purposes was established early in the plan making process and the use of the site for gypsy traveller accommodation has been confirmed as part of the adopted plan.

- 7.3.4 The LDP Inspector stated the following in terms of developing the site at Paragraph 6.21 of his 'Report to Newport City Council' (11/12/2014):

*The site has also been assessed in relation to traffic generation, highway capacity and highway safety, taking into account other planned development in the locality. Matters such as proximity to the railway line and a main road, existing infrastructure, provision of utilities, topography, ecology and landscape considerations have all been taken into account. Although opponents of the allocation point to an environmental space notation in the UDP there is no evidence of any*

*particular overriding environmental quality that should frustrate the allocation. The site is within the urban boundary and has an existing use, at least in part, for road safety training purposes. It has clear potential for development.*

7.3.5 The Inspector also noted at Paragraph 6.19 of his Report that:

*Although residents closest to the site understandably have concerns about impact on their environs, the site is within a part of Newport undergoing considerable change and growth in any event. If not allocated for this purpose in the Plan the site could be expected to see housing or other built development, with attendant changes to roads, traffic and the outlook from existing properties on Hartridge Farm Road. Notwithstanding this, the site is well screened and, subject to proper attention to detailed design and layout, capable of accommodating the intended use in a reasonably discreet and visually acceptable manner.*

7.3.6 In the light of this concerns over the use of the access road in technical capacity terms cannot be sustained. Although the lower part of Hartridge Farm Road is undoubtedly busy at school pick-up and drop-off times at other times of the day the road is not busy and there is no particular reason to think the additional traffic generated by the development could not be accommodated within the highway network. The site will have its own parking and there is no realistic prospect of parking being displaced into the lane. Nor is there any reason to think the addition of the footway will make the operation of the lane impossible. The lane will be required to serve additional units of accommodation but the additional traffic generation can be absorbed by the network and nearby junctions will not be overloaded. The proposal is acceptable in highway terms. The proposal complies with Policy GP4vii (traffic generation) since the traffic generation does not exceed the capacity of the highway network. This is confirmed by the submitted Transport Statement and Transport Statement update.

7.3.7 The proposed footpath will improve pedestrian links to the site. Currently pedestrians must share the lane with motor vehicles. The provision of the footway will improve access arrangements and the overall sustainability credentials of the site and will not have any marked harm to the operation of the highway network. The proposal is compliant will policy GP4i (appropriate access for pedestrians) and T3iv (incorporation of walking facilities into layouts) as well as general sustainability requirements under Policy SP1.

#### 7.4 Impact of the proposal on existing residents of Hartridge Farm Lane

7.4.1 The key issue for the residents in amenity terms will stem from the increased use of Hartridge Farm Road to serve the new site. In effect the permission will be for 35 new dwellings with 31 being served from the existing Road Safety Centre access. Caravan movements will be relatively few since this is a permanent site and the overwhelming majority of the traffic will be local day to day traffic. The site was proposed for development from the early stages of the LDP process, 290 houses initially and the LDP Inspector noted that the site had clear potential for development. It should also be borne in mind that the current levels of use of the Road Safety Centre are very low and could be significantly higher if the centre was operated in a different way. Additionally Housing Site H1(55) – the Jigsaw Site is in close proximity to the existing houses and is expected to deliver 200 houses in the plan period. In short the adopted plan allows for growth in this part of the city and increased activity levels during the plan period are to be expected.

7.4.2 The residents of Hartridge Farm Road are in an area where there are two allocated housing sites and in the event the application site had not been allocated as gypsy site it might have been progressed as a housing site. The application site is within the urban boundary and has no specific designations that would stand in the way of it coming forward for development. As such it is highly likely that the residents of Hartridge Farm Lane would have experienced increased activity levels within the vicinity of their homes even if this application had not come forward since some form of development could be reasonably anticipated in any event.

7.4.3 It is clear that this proposal will increase the traffic using the lane but there is no reason to think that this will be so significant as to pose any unacceptably harmful amenity loss to existing residents via noise from vehicles, light from vehicle headlamps, traffic fumes or any other disturbance. The gypsy site will be screened by the existing and retained hedgerows, which can be protected under planning condition and separation distances are appropriate with the edge of the nearest pitch being approximately 45m from the front façade of any dwelling. Hartridge Farm Lane runs between the pitches and the houses, with the houses being on the other side of the road from the proposed site. As such inter-visibility and over-looking are precluded. The scope for screening was also noted by the LDP Inspector in his report, see Paragraph 7.3.5 of this report. The proposal complies with Policy GP2i since there will be no significant adverse effect on local amenity in terms of noise, disturbance, privacy, overbearing, light, odours and air quality. The proposal complies with Policy GP2ii since it will not be detrimental to the visual amenities of nearby occupiers.

7.4.4 In terms of the scale of the site national guidance (Designing Gypsy & Traveller Sites) does advise that sites should normally be less than 20 pitches. This site will be larger if built out to its full potential. However the guidance does allow for sites over 20 pitches in certain circumstances. The LDP Inspector addressed that issue at Paragraph 6.15 of his report:

*Here there is an identified immediate need to provide 23 residential pitches, in order to accommodate 3 families. The Council has a statutory duty to make appropriate accommodation available in response to this and has shown good planning reasons why the sites currently occupied by the families should not be developed as permanent residential caravan sites. There has been consultation and engagement with the existing community and with the families who would occupy the site. Whilst opponents of the allocation claim that the families were not presented with proper alternatives, the Council's evidence indicates that the families are content with the proposal – and no objection to the allocation has come from this quarter. The site is sufficiently large to allow a layout whereby each family could occupy its own space, with adequate separation between. There is nothing to suggest that the families cannot co-exist in this way due to cultural factors.*

7.4.5 It should be noted that national guidance (Designing Gypsy & Traveller Sites) does not preclude sites over 20 pitches but does allow for them where there are exceptional circumstances and consultation and engagement has taken place with stakeholders. In this case the LDP Inspector concluded that the circumstances of the site and the number of pitches required meant that a larger site could be sustainably accommodated. In terms of the impact on the host community the Inspector concluded the impact would be acceptable noting at Paragraph 6.17 of his report:

*There is no evidence that the scale of provision envisaged, namely initial provision of 23 pitches followed by gradual incremental addition potentially amounting to 20 further pitches over the rest of the plan period, would have significant adverse implications for physical or community infrastructure provision. Nor do I consider that provision of this scale would dominate the settled community of Ringland. There is to my mind added assurance in this given that the provision is for families already long-established in Newport and forming part of the community, with children attending local schools.*

7.4.6 Notwithstanding the concerns of local residents there is no reason to assume that the site cannot reasonably accommodate the proposed pitch numbers in an acceptable way or that there would be a dominating effect on the local community by the gypsy / travellers. It should be borne in mind that in the early stages of the plan this site was considered suitable for 290 dwellings which would have had a materially greater impact on the local community in terms of generating new residents.

## 7.5 The impact of noise on the residential amenity of the proposed site

7.5.1 The applicant submitted a noise assessment (April 2013) with the application since noise has been identified as a constraint on the site with noise sources being:



- The RSPCA Centre,
- The mainline railway at the site's southern boundary,
- Road noise from the Southern Distributor Road.

7.5.2 The survey concluded that given typical noise levels on the site noise mitigation would be needed to bring noise levels within acceptable criteria for both internal and external areas of the site. A reduction of up to 5dBA for external areas and up to 20dBA for internal areas was needed to achieve the target noise levels. The report concludes appropriately located acoustic fencing would achieve the necessary mitigation for external areas but a slight exceedance might be seen for internal noise if windows were open. In terms of noise from the RSPCA centre it was concluded that at noisy times (feeding time) no plot should be located within 30m of the boundary of the centre and any plot within 60m would need acoustic screening.

7.5.3 Following concerns raised by the Head of Law & Standards (noise) in relation to noise from the RSPCA centre a further noise survey was undertaken in June 2016. That report concludes the following:

- Road noise – no mitigation required
- Rail noise – a 2.0 to 2.5m high acoustic screen would achieve the necessary mitigation.
- RSPCA Centre – a 2.0 to 2.5m high acoustic fence would need to be installed along the western boundary of the RSPCA Centre to give the necessary mitigation.

7.5.4 The Head of Law & Regulation (noise) commented has accepted these findings and has suggested conditions are applied to ensure the necessary mitigation is achieved. Policy GP7 (environmental protection) is complied with in relation to noise subject to the application of an appropriate condition.

## 7.6 General suitability of the site in terms of facilities and layout

7.6.1 The site will provide three distinct sub-areas to serve the three family groups who are intended to occupy the site. Each section will be gated off to give a degree of self-containment. Site A will be served off a spur road with a turning head and Site B will be served by a loop road. Both of these sites will use the existing Road Safety Centre access. Site C will have its access lower down Hartridge Farm Lane and will also consist of a spur road with a turning head.

7.6.2 The proposed plots will be approximately 620 square metres with space for two static caravans, two off road parking spaces and a day room measuring 42 square metres and containing a kitchen diner, a utility room, a bathroom with bath, wash hand basin and W.C. and a store cupboard. The day room will be accessible to the disabled. Externally there will be a small area of garden and the pitch will be fenced and gated. This is considered to comply with the advice of '*Designing Gypsy and Traveller Sites*' and to provide a good level of amenity for the future occupiers and to comply with Policy GP2v, adequate amenity for future occupiers.

7.6.3 Paragraph 4.8 of '*Designing Gypsy and Traveller Sites*' notes that larger sites (over 20 pitches) should have a communal building. The former Road Safety Centre building would be converted to a community building so this part of the advice would be complied with as would Policy SP12i (Community Facilities – community centres).

7.6.4 No play facilities are proposed at the current time but the site contains space that could be used for informal play and facilities might be provided in the future when it becomes more clear what facilities would suit future residents. The lack of formalised play space within the scheme is not considered harmful to the overall scheme and would not be a reason to withhold permission.

7.6.5 A communal bin store is proposed near the main entrance to the site. This will necessitate residents dragging their bins out to the store on bin day since the spur roads on the site will be gated. This is an inconvenience but allows control over the use of the spur roads which will not have footways and will be a multi-use space. Given the low number of units served by each road and the family links between residents this is not considered to be a problem since the spur roads

will be a low speed environment and drivers can be expected to show due care. Non-residents will be unlikely to use the spur roads (parking near the main entrance) and it would be anticipated that any non-resident accessing an individual plot would be aware the space was shared and would drive at low speed. The road layout is considered appropriate for the development and complies with Policy GP4i (appropriate access) and GP4v (suitable and safe access arrangements).

- 7.6.6 The proposed bin store is immediately to the rear of a dwelling located within the RSPCA centre. The RSPCA have commented on the location of the bin store and note the potential for the use of the store to cause disruption to the resident warden by noise and odour. This is a valid concern and it is proposed to deal with this by applying a condition requiring the relocation of the bin store to another location within the site. The applicant has confirmed that they are prepared to accept such a condition. The currently proposed location of the bin store is not a reason to withhold permission.

## 7.7 Loss of the Road Safety Centre

- 7.7.1 The Road Safety Centre has been used over the years to deliver road safety training to a variety of user groups. The applicant confirms that the centre is no longer in use and that there is no intention of re-commencing the use. The centre is in Council ownership which directly controls the site and the future use of the centre. The loss of a community facility is contrary to Policy CF12 (Community Facilities) unless it can be shown that the loss will be made good or that the facility was surplus to requirements. In this case there is no immediate plan to replace the centre although the Council is seeking to identify an alternative location where the activities supported at the centre can be relocated to. There is no firm plan in place to replace the centre beyond a general aspiration. It has not been shown that the facility is redundant (rather than the owner has no intention to maintain the provided service). As such the loss of the Road Safety Centre is contrary to Policy CF12 but this loss will need to be balanced against the benefits of the scheme.

## 7.8 Impact on the Public Right of Way

- 7.8.1 Public Right of Way (PRoW) 405/4 passes through the site entering in the approximate position of the entrance to the Road Safety Centre and heading due west towards the Southern Distributer Road. The path terminates close to the former sewage works and does not link into any wider public rights of way network. As such the path is little used. Policy T7 requires that any public footpath should be retained or a suitable alternative provided. The applicant has not demonstrated that the route can be retained or needs to be diverted but the site layout would allow for a route to be retained without passing through private areas of the site (pitches). As such the development does not prevent the retention of a public route through the site that would be of a similar amenity level to that currently available (noting the lawful use of the site as a Road Safety Centre). As such it is considered that Policy T7 can be complied with in this instance although an application for a formal diversion may need to be sought under either the Highway Act or Section 257 of the Planning Act as appropriate.

## 7.9 Impact on bio-diversity

- 7.9.1 The site is semi-rural and has some bio-diversity potential. The Head of Streetscene and City Services (Ecology) confirms that she has no objections to the scheme but confirms the need for conditions to protect conservation interests on the site. The proposed bio-diversity conditions for this proposal are:

- A condition to control the lighting installed on the eastern boundary of the site in order to maintain a bat foraging corridor.
- A condition to require the installation of mammal fencing around the site.
- A condition requiring a mitigation strategy for the translocation of slow worms from the site to a reception site.

- 7.9.2 Subject to these conditions the proposal is acceptable and compliant with Policy GP5ii (negative effects on bio-diversity are mitigated or compensated for).

## 7.10 Impact on Archaeology

7.10.1 The site has been shown to have significant archaeological interest. The Glamorgan & Gwent Archaeological Trust have commented on the application and advise that the archaeological interest of the site can be protected by the imposition of a condition requiring an agreed scheme of archaeological work to be carried out. Subject to the application of such a condition the proposal complies with Policy CE6 (Archaeology) since the archaeological interest of the site can be assessed and evaluated. An archaeological evaluation of the site is currently proceeding in accordance with a written scheme of investigation. The Trust have confirmed that the proposed scheme of evaluation is acceptable and advise a condition requiring the evaluation is carried out in accordance with the submitted written scheme should be applied.

## 7.11 Sustainability

7.11.1 The site lies within the urban area and there is implicit assumption that it is sustainable for this reason. The site access (Hartridge Farm Lane) is to be up-graded to provide better pedestrian access with the construction of a footpath on the lane. The site is close to schools, Llanwern High School and Ysgol Cymraeg Casnewydd and is within 430m of the nearest bus stop on the other side of the SDR. The proposal is considered to be sustainable and in compliance with Policy SP1 being the reuse of previously developed land (Road Safety Centre and former Labour Club site) and otherwise generally sustainable.

## 7.12 Planning Balance

7.12.1 The proposal is for a residential gypsy / traveller site on an allocated site within the adopted Newport Local Development Plan 2011-2026. The proposal accords fully with Policy H16 and conforms with other relevant Policies other than CF12 in reference to the loss of the Road Safety Centre. Notwithstanding this issue the site was identified as part of a Council initiative to find a residential gypsy site and the location was considered appropriate by the LDP Inspector who commented at Paragraph 6.22 of his report:

*There is a clear and demonstrable need for the Plan to make provision for social rented accommodation for the families concerned. The Hartridge Farm Road allocation would meet this need in full. The site is deliverable without delay, being within the Council's ownership. I find no overriding planning basis for objection to the Council's approach. Although opponents argue that the Plan should instead seek to provide separate, smaller sites for each family, other appropriately-sized and located sites which are equally suitable and deliverable are not evident. Overall, I find the Hartridge Farm Road allocation to be a rational and justified response to the identified need, with no overriding reason why the allocation should not be retained. I conclude that the Plan is sound in this respect.*

7.12.2 The allocation of this site clearly meant that the existing use would face extinguishment at some point in the plan period and that was accepted by the Council as a corporate entity when the site was promoted during the LDP adoption process. The LDP Inspector confirmed the site as appropriate for the identified use in planning terms and there is no reason to disagree with this assessment. As such the loss of the Road Safety Centre is very clearly outweighed by the need for the scheme and the benefits it will confer. There is a clear balance in favour of the proposal.

## 8. **OTHER CONSIDERATIONS**

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

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that

it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

## 8.2 **Equality Act 2010**

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

## 8.3 Having due regard to advancing equality involves:

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

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

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

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

## 8.7 **Wellbeing of Future Generations (Wales) Act 2015**

Section 3 of the Act 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 (section 5). This duty has 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 accords with the site allocation in the adopted Newport Local Development Plan 2011-2026 and is acceptable in terms of other development management considerations (other than the loss of the Road Safety Centre). The planning balance is clearly in favour of the proposal and permission should be granted subject to conditions.

## 10. **RECOMMENDATION**

### **GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents (other than in relation to the streetlighting in Hartridge Farm Lane and the proposed on-site bin store for which alternative details are required under condition):

- Drawing 22,368 – Hartridge Farm Road Travellers Site Column Locations
- Drawing 22367 - Hartridge Farm Road Travellers Site Lighting Column Specification All Phases.
- Drawing HTS-CAP-0000-DSP-DE-PA12 00 – Foul and Surface Water Drainage Layout
- Drawing 22,366 – Hartridge Farm Road Travellers Site Lighting Levels Designed to BS5489 EN13201 Lighting Class S3 (other than in relation to the lighting columns in Hartridge Farm Lane).
- Drawing HTS-CAP-0000-DSP-HE-PA02A P00 – Proposed General Arrangement for Site A and Site B Sheet 1 of 2
- Drawing HTS-CAP-0000-DSP-HE-P03 00 – Proposed Contoured Plan
- Drawing HTS-CAP-0000-DSP-HE-PA04 P01 – Longitudinal and Cross Section Location Plan.

- Drawing HTS-CAP-0000-DSP-HE-PA05 00 – Longitudinal Sections Through Proposed Access Road
- Drawing HTS-CAP-0000-DSP-HE-PA06 00 – Cross Sections
- Drawing HTS-CAP-0000-DSP-HE-PA07 P01 – Proposed Plans & Elevations Double Unit
- Drawing HTS-CAP-0000-DSP-HE-PA08 P01 – Pitch Layout & Perspective Views Double Unit
- Drawing HTS-CAP-0000-DSP-HE-PA09 P01 – Proposed Plan & Elevations Single Unit
- Drawing HTS-CAP-0000-DSP-HE-PA10 P01 – Pitch Layout & Perspective Views Single Unit
- Drawing HTS-CAP-0000-DSP-HE-PA11 00 – Vehicle Swept Paths
- Drawing HTS-CAP-0000-DSP-HE-PA13 00 – Pitch Drainage Layout Typical Double Unit
- Drawing HTS-CAP-0000-DSP-HE-PA14 P00 – Proposed General Arrangement Phase 1
- Drawing HTS-CAP-0000-DSP-DE-PA15 00 – Foul & Surface Water Phase 1 Drainage Layout
- Drawing HTS-CAP-0000-DSP-HE-PA02B P00 – Proposed General Arrangement for Site C Sheet 2 of 2
- Drawing NPS-DR-A-(00)-000 P1 – Proposed Plan, Elevation and Photo

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***

Slow worms - mitigation / method statement

02 Prior to the commencement of any development on the site a mitigation scheme for the relocation of slow worms shall be submitted to the Local Planning Authority. The scheme shall include details of:

- the timing of works, including any required phasing for the site clearance.
- the methodology for the clearance of scrub (including the extent of areas to be cleared) and the safe collection of slow worms,
- their exclusion from cleared areas,
- their relocation to an identified receiving habitat,
- the scale and nature of the receiving habitat including a justification of its selection,
- any works of preparation within the receiving habitat and any subsequent maintenance regime to maintain the integrity of the receiving habitat,
- a short term (5 years or less) monitoring plan for the new habitat, with the monitoring reports to be submitted to the Council,
- a medium term (6-10 years) monitoring plan for the new habitat, with the monitoring reports to be submitted to the Council,
- provision for a contingency plan in the event the trans-location is judged to be failing by the Council's Ecology advisor on the receipt of the above monitoring reports,
- a schedule for reporting to the Council's Ecology advisor to show that the mitigation strategy is effective,

Following the Council's written agreement the slow worm mitigation strategy shall be carried out as agreed.

Reason: to protect the interests of the slow worm population on the site.

Contamination

03 No development, (other than demolition) shall commence until:

a) The potential contamination identified in the submitted Phase I Preliminary Risk Assessment shall be explored further via an appropriate intrusive site investigation. A site investigation Report to BS10175/2011 standards shall be submitted for review and approval in writing by the Local Planning Authority.

b) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be occupied until:

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

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

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

#### Tree / Scrub protection

04 Prior to the commencement of any works on the site a tree / scrub retention plan shall be provided to the Local Planning Authority. Following the Council's written agreement the Tree / Scrub Retention Plan shall be carried out as agreed. No vegetation shall be removed from wooded or scrub areas identified as being retained and these areas shall be fenced off using tree protection fencing of the type identified in BS5837 2012 prior to development commencing on the site. The fencing shall be installed in a location identified in the tree / scrub retention plan. The fencing shall be retained for the duration of building works (or any relevant phase of building works) and at no time shall any engineering works, storage of materials, trafficking of vehicles, parking of vehicles, fires or tipping of waste materials or fluids take place within the retained woodland and scrub or within the fenced off area.

Reason: to protect areas of retained woodland and scrub on the site in the interests of visual amenity and bio-diversity.

#### Phasing plan

05 Prior to any development commencing on site a phasing plan detailing the delivery of the proposal shall be provided in writing to the Council. Following the Council's written agreement the development shall proceed in accordance with the approved phasing scheme.

Reason: to ensure the development proceeds in a regulated way in the interests of the amenity of future occupiers and local residents.

#### Landscaping Scheme

06 Before any development, other than demolition, is commenced, written approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs). The scheme shall include details of any relevant phasing programme. The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of the development or part of the development to which it relates. Thereafter, the trees and shrubs shall be maintained for a

period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April inclusive.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner.

#### CEMP

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

- dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition Activities';
- noise mitigation measures;
- details of temporary lighting;
- details of enclosure of working areas or any other temporary fencing;

- a drainage strategy to operate setting out controls of contamination, including controls to surface water run-off, water pumping, storage of fuels and hazardous materials, spill response plans and pollution control measures.
- Location of storage areas for materials, soils and plant; vehicle parking for contractors and the siting of welfare facilities & the site office.

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

Reason: To protect the amenities of nearby residents and in the interests of ecology.

#### Mammal fencing

08 Prior to works commencing on site a scheme shall be submitted to the Council in writing giving the specification and location of a mammal proof fence to be installed around the approved development. The scheme shall specify any phased installation of the fence as may be required and appropriate trigger points for the implementation of the fence (or any part of the fence). The fence shall be installed in full accordance with any scheme as may be approved in writing by the Council.

Reason: to exclude protected mammals from the site

### ***Pre –occupation conditions***

#### Noise fence

09 A noise attenuation fence in accordance with the recommendations of the Hepworth Acoustics June 2016 Noise Assessment shall be installed prior to the occupation of any pitch in need of acoustic protection by that fence or any relevant section of that fence (dependent on phasing). Once installed the fence shall be retained as installed.

Reason: to ensure residents are not exposed to excessive noise.

#### Streetlights (bats)

10 Notwithstanding the submitted lighting details, no lighting shall be installed in Hartridge Farm Lane until details have been submitted showing the proposed lighting in the lane will not have an adverse impact on the foraging behaviours of the local bat population. Following the Council's written agreement the proposed lighting scheme for the lane shall be installed as agreed prior to the occupation of any residential pitch on the site.

Reason: to protect the interests of the local bat population and to preserve their future conservation status.

#### Bin storage

11 Notwithstanding the submitted details, details of a relocated bin store shall be provided in writing to the Local Planning Authority prior to any caravan being moved onto the site. Details shall include its siting and appearance. The bin store shall be provided as agreed and retained thereafter prior to the beneficial occupation of any pitch on the site.

Reason: to ensure rubbish can be appropriately stored and to protect the interests of neighbouring occupiers.

#### Footway provision

12 No pitch hereby approved shall be occupied until the approved footway in Hartridge Farm Lane has been provided.

Reason: to ensure future occupiers can safely access the site on foot in the interests of sustainability and road safety.

#### Roads completion

13 No pitch shall be occupied until the road that serves it has been completed to base layer and the on-pitch hard surfacing has been provided as submitted. The final top coat to any road shall be completed within 12 months of the occupation of any pitch served by that road or the completion of any other phase of the development as may be submitted to and agreed in writing by the Local Planning Authority.

Reason: to ensure pitches can be appropriately accessed and necessary hardlandscaping is completed.

### ***Other conditions requiring information to be submitted***

#### Camera

14 Prior to its installation details of the camera and its mounting column shall be provided in writing to the Local Planning Authority. Following written approval of the details the camera shall be installed as agreed.

Reason: to protect the visual amenity of occupiers of the site.

### ***Directive conditions***

#### Means of enclosure - installation

15 Each pitch shall be enclosed in accordance with the submitted details prior to its first occupation.

Reason: to ensure appropriate levels of privacy and the safety of younger children.

#### Tree and hedge retention

16 The trees and hedgerows that constitute the eastern boundary of the site shall be retained unless removal is required to facilitate the improvements to the site access.

Reason: in the interests of preserving visual and residential amenity and the character and appearance of the area.

#### Archaeology

17 A programme of archaeological work shall be carried out fully in accordance with the written scheme detailed in 'Written Scheme of Investigation for an Archaeological Excavation and Watching Brief – May 2016' prior to the development or any relevant phase of the development being commenced.

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

### ***NOTE TO APPLICANT***

01 This decision relates to plan Nos:

- Drawing 22,368 – Hartridge Farm Road Travellers Site Column Locations
- Drawing 22367 - Hartridge Farm Road Travellers Site Lighting Column Specification All Phases
- Drawing HTS-CAP-0000-DSP-DE-PA12 00 – Foul and Surface Water Drainage Layout
- Drawing NPS-DR-A-(00) – 000 P1 – Existing Plan, Elevations and Site Location Plan
- Drawing 22,366 – Hartridge Farm Road Travellers Site Lighting Levels Designed to BS5489 EN13201 Lighting Class S3
- Drawing HTS-CAP-0000-DSP-HE-PA02A P00 – Proposed General Arrangement for Site A and Site B Sheet 1 of 2
- Drawing HTS-CAP-0000-DSP-HE-P03 00 – Proposed Contoured Plan
- Drawing HTS-CAP-0000-DSP-HE-PA04 P01 – Longitudinal and Cross Section Location Plan.
- Drawing HTS-CAP-0000-DSP-HE-PA05 00 – Longitudinal Sections Through Proposed Access Road
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- Drawing HTS-CAP-0000-DSP-HE-PA13 00 – Pitch Drainage Layout Typical Double Unit
- Drawing HTS-CAP-0000-DSP-HE-PA14 P00 – Proposed General Arrangement Phase 1



- Drawing HTS-CAP-0000-DSP-DE-PA15 00 – Foul & Surface Water Phase 1 Drainage Layout
- Drawing HTS-CAP-0000-DSP-HE-PA02B P00 – Proposed General Arrangement for Site C Sheet 2 of 2
- Drawing NPS-DR-A-(00)-000 P1 – Proposed Plan, Elevation and Photo
- Drawing HTS-CAP-0000DSPA-HE-PA01 P01 – Site Location & Land Ownership Plan
- Archaeological Evaluation – Archaeology Wales (November 2015)
- Bat Report Hartridge Farm Driving School, Newport (October 2015)
- Product Specification (camera solutions) – Technical Specifications
- Phase 1 Preliminary Risk Assessment Report (WPA Environmental) (12/11/2015)
- Transport Statement (Capita) – November 2013
- Gypsy & Traveller Accommodation Background Paper (June 2013)
- Transport Statement Update - July 2015
- Noise Assessment (Hepworth Acoustics) – April 2013
- Planning Statement - March 2016
- Reptile Mitigation Strategy – October 2015
- Reptile Survey and Method Statement – January 2014
- Hartridge Farm, Newport BS5837 Tree Information
- Water Vole Assessment, Land at Hartridge Farm Road, Ringland, Newport, Issue 01 – May 2015
- Noise Assessment (Hepworth Acoustics) – June 2016
- Written Scheme of Investigation for an Archaeological Excavation and Watching Brief – May 2016
- Badger Assessment: Land at Hartridge Farm Road, Ringland, Newport (Issue 01) – 03/04/2015

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, GP2, GP3, GP4, GP5, GP6, GP7, CE6, T3, T4, T7, H16, H17, CF2 & CF12 were relevant to the determination of this application.

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

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

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

## **11. REASON FOR THE SITE INSPECTION**

To assess the proposed access to the site.

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