

# Report

## Planning Committee

---

### Part 1

Date: 5<sup>th</sup> July 2017

Item No: 5

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

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

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

**Ward** As indicated on the schedule

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

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

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

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

**Action by** Planning Committee

**Timetable** Immediate

This report was prepared after consultation with:

- Local Residents
- Members
- Statutory Consultees

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

## **Background**

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

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

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

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

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

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

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

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

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

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

## **Financial Summary**

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

## Risks

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

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

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

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

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

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

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

\* Taking account of proposed mitigation measures

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

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

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

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

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

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

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

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

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 all planning applications must be determined in accordance with the Newport Local Development Plan (Adopted January

2015) unless material considerations indicate otherwise. Planning decisions are therefore based primarily on this core Council policy.

### **Options Available**

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

### **Preferred Option and Why**

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

### **Comments of Chief Financial Officer**

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

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

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

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

### **Comments of Monitoring Officer**

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

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

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

### **Local issues**

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

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

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good

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

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

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

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

### 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 9 (November 2016)

Development Management Manual 2016

Minerals Planning Policy Wales (December 2000)

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

- TAN 1: Joint Housing Land Availability Studies (2015)
- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Commercial Development (2016)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 6: Planning for Sustainable Rural Communities (2010)
- TAN 7: Outdoor Advertisement Control (1996)
- TAN 8: Renewable Energy (2005)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 13: Tourism (1997)
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: Planning and The Welsh Language (2013)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)
- TAN 24: The Historic Environment (2017)

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

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

Welsh Government Circular 016/2014 on planning conditions

### **LOCAL POLICY**

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

#### Supplementary Planning Guidance (SPG):

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

### **OTHER**

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

The Economic Development Strategy is a material planning consideration.

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

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



## **APPLICATION DETAILS**

**No:1**                      **16/1140**                      **Ward:**                      **LLISWERRY**

**Type:**                      **OUTLINE (MAJOR)**

**Expiry Date:**                      **5-JUL-2017**

**Applicant:**                      **FPC (NEWPORT) LIMITED**

**Site:**                      **LAND EAST OF CLARKE ENERGY PRODUCTION, TRASTON ROAD, NEWPORT**

**Proposal:**                      **ERECTION OF 2NO. INDUSTRIAL/STORAGE (B2/B8 USE) BUILDINGS ALONG WITH ASSOCIATED GROUND WORKS, ACCESS, CAR PARKING AND HARD AND SOFT LANDSCAPING**

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

### **1. INTRODUCTION**

- 1.1 This application seeks outline planning consent for the erection of 2no B2/B8 buildings at this 2.14 hectare site at Traston Road with associated ground works, access, car parking and hard and soft landscaping. All matters with the exception of access have been reserved for future consideration.
- 1.2 The Traston Road area of Newport is dominated by industrial uses and the site forms part of a plot of land within Newport's settlement boundary which is sandwiched between the Solutia (now Eastman) factory and Corporation Road. The site is mainly greenfield and a large part of it has been colonised by trees and other vegetation, however part of the site has been developed in the past, once used as a BOC Depot and is laid with hardstanding. Planning permission has been recently granted under applications 15/0514 and 16/0855 for industrial development on land immediately adjacent to and west of the application site, and utilising the same site access.
- 1.3 The site is served by an existing access onto Traston Road with established visibility splays. The submitted plan shows how the proposal will utilise this access. The plan shows 2 units on the site. Unit 1 is to be sited within the south-western corner and is proposed to measure 48m in width by 36m in depth with a maximum height of 16m and area of 1,765square metres. The larger of the 2 buildings (unit 2) is to be located to the rear of the site and will measure 54m in depth by 124m in width with a maximum height of 16m and area of 6975 square metres, also up to 16 metres in height. Parking is shown to the north of unit 2.
- 1.4 The existing Corporation Road signal controlled junction with the SDR suffers from congestion both in the peak and off peak traffic hours as well as being the subject of numerous accidents. The development of this site will increase traffic using this junction. However, the submission of junction modelling data and associated assessment have demonstrated that this increase will not exceed 3% and the Head of Streetscene and City Services (Highways) is satisfied with this.
- 1.5 Although not allocated for employment, the site is located west of an existing allocation at the Solutia works and sited within an existing industrial area close to existing transport links and is therefore appropriately located for industrial development and provides a windfall employment site. Within the submitted information it is estimated that the proposal could provide employment for upto 100 individuals. Although comprising greenfield land, externally the site has an unkempt and abandoned appearance. The proposal will make use of this abandoned site whilst retaining some of the greenfield area and incorporating ecological mitigation and landscaping.

- 1.6 The site is located entirely within a C1 flood zone and within an archaeologically sensitive area. The site also includes established woodland and grassland. The primary issues for consideration are the impact of the proposal on the highway network and amenity, flood risk, the impact on the ecological and archaeological resource.

## 2. RELEVANT SITE HISTORY

16/0855	INSTALLATION OF COMMERCIAL BATTERY STORAGE AND ASSOCIATED INFRASTRUCTURE AND WORKS	GRANTED WITH CONDITIONS
15/1198	EIA SCREENING OPINION FOR ERECTION OF NEW INDUSTRIAL UNITS, NEW ACCESS, CAR PARKING AND LANDSCAPING	ENVIRONMENTAL STATEMENT NOT REQUIRED
15/0514	DEVELOPMENT OF STAND-BY GENERATION PLANT AND ASSOCIATED WORKS (AMENDMENT TO PLANNING PERMISSION 14/0256)	GRANTED WITH CONDITIONS
14/0256	ERECTION OF SMALL SCALE STAND-BY ELECTRICITY GENERATION PLANT	GRANTED WITH CONDITIONS
04/1905	ERECTION OF NEW 400KV NATIONAL GRID ELECTRICITY SUBSTATION	GRANTED WITH CONDITIONS

## 3. POLICY CONTEXT

- Policy **SP1 - Sustainability** favours proposals which make a positive contribution to sustainable development.
- Policy **SP3 - Flood Risk** ensures development is directed away from flood risk areas.
- Policy **SP18 - Urban Regeneration** supports development which assists the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land.
- Policy **GP2- General Amenity** states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
- Policy **GP4 – Highways and Accessibility** states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.
- Policy **GP5 – Natural Environment** states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.
- Policy **GP6 – Quality of Design** states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.
- Policy **GP7- Environmental Protection and Public Health** states that development will not be permitted which would cause or result in unacceptable harm to health.
- Policy **CE6 - Archaeology** states that proposals in areas known to have archaeological interest or potentially have archaeological interest will be required to undertake an archaeological impact assessment.
- Policy **T2 - Heavy Commercial Vehicle Movements** states that developments which generate heavy commercial vehicle movements will be favoured in locations which

have access to a railway line, wharf or dock. Where this is not appropriate, locations accessible to strategic and principal routes will be favoured. Elsewhere, such development will be resisted.

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

#### 4. CONSULTATIONS

- 4.1 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: While there are no recorded archaeological sites within or in close proximity to the development site, the site is located within the Newport Archaeologically Sensitive Area. It is possible that any ground disturbance work may encounter archaeological deposits. 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.
- 4.2 WALES AND WEST UTILITIES: No response .
- 4.3 NEWPORT ACCESS GROUP: No response.
- 4.4 DWR CYMRU WELSH WATER: Request that conditions and advisory notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.
- 4.5 NATURAL RESOURCES WALES: The 0.5% CCA (2091) predicted flood levels are 6.86m AOD. The FCA states (section 6.2) that the finished floor levels of the buildings will be set at 7.46m AOD which is 600mm above the predicted flood levels, therefore meeting the requirement of A1.14 of TAN 15. This level should be secured through a condition on any planning permission granted.

The FCA has not provided any details regarding the external areas of the site. Therefore unable to advise if these meet the requirements of A1.14 of TAN 15. The FCA provides a general ground level of 6.20m AOD (section 6.2) and it is assumed this will be the level post development. If this is the case the external areas of the site may experience depths of flooding of approximately 660mm in the predicted 0.5% CCA event. However, the current use of the site includes hardstanding/ car parking associated with the existing use; and there is no change in the vulnerability from existing to proposed use (less vulnerable). Therefore, do not object given the Authority and the applicant are fully aware of the flood risk to these external areas.

The latest FCA (September 2015) has demonstrated that the proposed buildings will be flood free in the predicted 0.1% CCA event. Therefore the proposed new buildings (i.e. property) has met the criteria in A1.15. However, as above, the external areas, in particular the access, have not been assessed. Assuming the levels remain as existing, on the basis of the flood data available, it is likely the maximum depth of flooding will exceed the A1.15 criteria for access. The FCA states 'there is a lack of information in the NRW data in regards to the maximum rate of rise of floodwaters, maximum speed of inundation of flood risk area and maximum velocity of floodwaters'. We highlight that the flood data does provide data on the predicted velocities at the site. The other two criteria are not readily available to the applicant and we consider it unreasonable for these to be assessed in this case.

In summary, does not object if the finished floor levels of the new buildings are secured through condition to ensure they meet the requirements of A1.14. The external areas of the proposal, including access roads and car parking, are predicted to experience flooding if no further raising is proposed. However, we recognise the proposal is within an area previously developed and our advice is within this context.

- 4.6 GWENT WILDLIFE TRUST: No response.

## 5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): The existing Corporation Road signal controlled junction with the SDR suffers from congestion both in the peak and off peak traffic hours as well as being the subject of numerous accidents. No objection with respect to the impact of the proposal on the junction of SDR with Corporation Road following the submission of junction modelling data and assessment. No objection has been raised with the impact of the proposal on junction of Traston Road with Corporation Road.

Overarching sustainable access Policy is to encourage a more sustainable approach to transport that reduces the negative environmental impacts associated with private car use and instead prioritises pedestrians, cyclists and public transport users.

The Transport Assessment statement states “The proposed development meets the general objectives of these documents, which are to:

- Reduce growth in the reliance on the private motor car;
- Promote sustainable transport choices for people;
- Promote accessibility to jobs, shopping and leisure facilities by public transport, walking and cycling; and
- Reduce the overall need to travel by promoting new development of sites that can be served by non-car modes and that have access to local facilities..”

Taking into account the lack of public transport in the immediate vicinity of the site with the nearest bus stops outside of recognised walk distances, the SDR being a barrier to walking and cycling with the Corporation Road and Traston Road footways not being overlooked and hence unattractive to use, further justification of the Transport Assessments statement is required.

- 5.2 HEAD OF STREETSCENE AND CITY SERVICES (REGIONAL TRAVEL PLAN COORDINATOR): The exact nature of the use is not known and this will impact on the types of measures that may be introduced. Recognises that the submitted information is limited in terms of encouraging public transport use and reducing single vehicle occupancy is not addressed. However, welcomes the use of a condition to require the submission of a Travel Plan with subsequent updates as suggested within the submitted information.
- 5.3 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPING): No response.
- 5.4 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): No great crested newts or reptiles were recorded on the site during the 2015/2016 survey. The site does not meet criteria for SINC designation.

Recommended conditions include;

- 1-A reptile Method Statement will need to be submitted and agreed prior to commencement of works;
- 2-Details of ecological enhancement e.g. bird boxes/bats will need to be submitted and agreed prior to commencement of works;
- 3-The landscaping plan should use native, locally sourced species/specimens as opposed to non-native;
- 4-A detailed lighting plan will be required;

Concurs with the recommendations made with regards to tool box talk, nesting birds etc. outlined in the David Clements survey and recommends that these be conditioned.

Any scrub clearance/tree work should be undertaken outside bird nesting season. If this is not possible then a suitably qualified ecologist will be required to undertake a search for nests prior to commencement of works. If a nest is found then works in that area must cease until the young have fledged.

- 5.5 HEAD OF STREETSCENE AND CITY SERVICES (TREE OFFICER): No objection. A tree protection plan has not been provided and should be shown as an overlay on the proposed

layout plan. Agree with ecology comments regarding the use of native species for the landscaping proposals.

5.5 HEAD OF LAW AND REGULATION (PUBLIC PROTECTION): No objection

5.6 HEAD OF LAW AND REGULATION (SCIENTIFIC OFFICER): The contaminated land report does not indicate a significant level of contamination that could pose a risk to human health. It is recommended as a precaution a watching brief is carried out to ensure that any unusual ground conditions that may pose a risk to human health are correctly dealt with.

The proposed development is located some distance away from the nearest Air Quality Management Area (AQMA) as such there is no reason to recommend refusal based on air quality grounds. However the development will increase the number of HGVs and other vehicle movements across the road network that will contribute to the background levels of air pollution. It is therefore recommend that a simple air quality assessment is carried out (this assessment does not require air quality monitoring or modelling).

As this assessment will not prevent the development from proceeding, it is recommended that a suitable condition is provided to ensure the assessment and implementation is carried out.

## 6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties with a common boundary to and opposite the site were consulted. A site notice was displayed on Traston Road and a press notice published in South Wales Argus. No responses have been received.

6.2 COUNCILLORS CRITCHLEY, JEAUVONS, MORRIS AND RICHARDS: No comment.

6.3 COMMUNITY COUNCIL: No response.

## 7. ASSESSMENT

7.1 The proposed layout and size parameters of the proposed buildings are considered acceptable within the context of this industrial area, subject to appropriate landscaping. The access to the site is existing and the Head of Streetscene and City Services has not objected to its design or use. What remains for consideration therefore, is the principle of the development given the constraints that exist.

### Ecology

7.2 The ecological assessment and newt and bat survey data submitted confirm that no great crested newts or reptiles were recorded on the site during the 2015/2016 survey and the site does not meet criteria for SINC designation. The Head of Streetscene and City Services (Ecology) does not object to the proposal and recommends that a condition is attached to any permission granted requiring: a reptile Method Statement; details of ecological enhancement; the submission of a landscaping plan using native, locally sourced species/specimens as opposed to non-native and a detailed lighting plan will be required. It is also recommended that the recommendations within the ecological report submitted with regards to nesting birds etc. are conditioned and any scrub clearance/tree work should be undertaken outside bird nesting season. If this is not possible then a suitably qualified ecologist will be required to undertake a search for nests prior to commencement of works. If a nest is found then works in that area must cease until the young have fledged. The Head of Streetscene and City Services (Tree officer) does not object to the proposal, although does recommend that a tree protection plan is submitted.

### Archaeology

7.3 The site is located within the Newport Archaeologically Sensitive Area and an archaeological assessment has been submitted with the application. It is possible that any ground disturbance work may encounter archaeological deposits and the Glamorgan Gwent Archaeological Trust has recommended that a condition is attached to any

permission granted to require the approval and implementation of a written scheme of historic investigation prior to the commencement of work.

#### **Public Protection and Air Quality**

- 7.4 The Head of Law and Regulation (Public Protection) has not objected or made any recommendations in respect of the proposal. However, The Head of Law and Regulation (Scientific Officer) has made recommendations to require a watching brief to ensure any potentially harmful ground conditions can be mitigated against and to require the submission of a simple air quality assessment owing to the potential increase in the number of HGVs and other vehicle movements across the road network that will contribute to the background levels of air pollution. However, owing to the nature of the historic use and partly greenfield nature of the site it is unlikely that any contamination will be experienced during the course of construction. Furthermore, as there is no AQMA nearby which could potentially be affected by the proposal the provision of an air quality assessment which does not seek to control pollution levels and where there is no acknowledged harm cannot be justified.

#### **Flood Risk**

- 7.5 The site is in a flood risk area and for the purposes of Technical Advice Note 15: Development and Flood Risk (TAN 15) (2004) and the proposed B8/B2 use will constitute “less vulnerable” development. Policy SP3 of the Newport Local Development Plan 2011 – 2026 (Adopted August 2015) states that development will only be permitted in flood risk areas in accordance with national guidance and where the development is designed to cope with the threat and consequences of flooding over the course of its lifetime.
- 7.6 TAN 15 sets out a precautionary framework and identifies that new development should be directed away from areas which are at high risk of flooding (defined as Zone C), and where development has to be considered in such areas, only those developments which can be justified on the basis of the tests outlined in the TAN are to be located in such areas. It maintains that there should be minimal risk to life, disruption and damage to property. Development should only be permitted in Zone C1 if it can be demonstrated that:
- i) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
  - ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners to sustain an existing settlement or region; and,
  - iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and
  - iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable.

- 7.7 Where development is justified the assessment can be used to establish whether suitable mitigation measures can be incorporated within the design to ensure that development is as safe as possible and there is minimal risk, damage and disruption. For the purposes of this report, criterion (i) to (iii) are referred to as Test 1 as this relates to the site justification and criterion (iv) which has a number of tests is referred to as Tests 2 to 12.

#### **Test 1 – Justification**

**Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement or contribute to key employment objectives supported by the local authority, and other key partners to sustain an existing settlement or region;**

- 7.7 The site is within the Newport urban settlement boundary. The proposed development is welcomed in terms of utilising an existing site within an industrial area through the creation of employment. It is therefore considered necessary as part of a local authority strategy required to sustain an existing settlement and will help to achieve employment objectives.
- 7.8 In accordance with part 6 (“Justifying the location of development”) of the TAN. Criterion (iii) of the justification test requires a development site to meet the definition of “previously

developed land” in Planning Policy Wales (Figure 4.3). The eastern part of the site is undeveloped, however, part of the site has housed buildings in the past and this complies with the following PPW definition of previously developed land:

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

### **Tests 2 to 12 – Consequences of Flooding**

- 7.9 Criterion (iv) of paragraph 6.2 of TAN 15 refers specifically to the potential consequences of a flooding event for the particular type of development have been considered. These are referred to as tests 2 to 12 below.

**Test 2 - Flood defences must be shown by the developer to be structurally adequate particularly under extreme overtopping conditions (i.e. that flood with a 1 in 1000 chance of occurring in any year).**

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

**Test 3 - The cost of future maintenance for all new/approved flood mitigation measures, including defences must be accepted by the developer and agreed with Natural Resources Wales.**

- 7.11 NRW is satisfied that floor levels will be above any potential flooding levels and the developer has proposed to install flood proofing measures as part of the development.

**Test 4 - The developer must ensure that future occupiers of the development are aware of the flooding risks and consequences.**

- 7.12 A flood consequence assessment has been submitted demonstrating that the developer is aware of the risks and consequences of flooding.

**Test 5 - Effective flood warnings are provided at the site.**

- 7.13 The applicant has proposed to sign up to NRW’s Flood Warning System however NRW identify that whilst they seek to provide timely and robust warning they cannot guarantee their provision. No objection is offered by NRW on this basis.

**Test 6 - Escape/evacuation routes are shown by the developer to be operational under all conditions.**

- 7.14 Within the Flood Consequence Assessment submitted it is stated that the escape route in the event of a flood would be north-east along Traston Road and then north toward the Southern Distributor Road. The evacuation route will be flooded to a depth between 0.6m and 1.0m, below the indicative maximum flood depth of 1.0m for industrial buildings. Even when Figure 3 is adjusted for a 1:1,000 year event, maximum flood levels remain below 1.0m which would allow access by emergency services.

**Test 7 - Flood emergency plans and procedures produced by the developer must be in place**

- 7.15 A Flood Emergency Management Arrangement document has not been submitted and the local planning authority does not have the in-house expertise to judge the effectiveness of the emergency plan. Planning Officers are therefore not in a position to comment upon the effectiveness of a flood emergency management arrangements document in any instance. These procedures would be the responsibility of the developer and it has been stated within the FCA submitted that there will be heightened vigilance and signage to inform individuals what to do in the event of a flood.

**Test 8 - The development is designed by the developer to allow the occupier of the facility for rapid movement of goods/possessions to areas away from floodwaters.**

- 7.16 The site is proposed to be used for low vulnerability uses. The FCA identifies that owing to the tidal nature of waters and flood warnings in place there will be adequate time to move goods away from flood waters using vehicles. Furthermore, inside buildings the proposed floor levels will be above the flood levels and any goods/people inside will be safe from flood waters.

**Test 9 - Development is designed to minimise structural damage during a flooding event and is flood proofed to enable it to be returned to its prime use quickly in the aftermath of the flood.**

- 7.17 Indicative drawings show industrial style buildings. The floor levels inside the buildings will be above the maximum predicted flood water levels and when waters recede buildings can be quickly returned to their storage use following a flood event. However, the developer will be advised to install flood proofing measures as part of the development.

**Test 10 - No flooding elsewhere.**

A reën is located within the site, north of the proposed hardstanding and adjacent to Traston road. NRW have not expressed concern with regards to drainage into this watercourse. Within the FCA submitted it is stated that run off rates will mimic existing greenfield run-off rates and will not increase risk of flooding. Full details of means of drainage will be required through a condition attached to any permission granted. This shall include details of pollution prevention to avoid contamination of the adjacent reën.

**Test 11 - Paragraph A1.14 of TAN 15 identifies that the development should be designed to be flood free for the lifetime (A1.15) of development for either a 1 in 100 chance (fluvial) flood event, or a 1 in 200 chance (tidal) flood event including an allowance for climate change (depending on the type of flood risk present) in accordance with table A1.14.**

- 7.18 NRW are satisfied that buildings will be flood free for the life of the development owing to their proposed floor levels.

**Test 12 – In respect of the residual risk to the development it should be designed so that over its lifetime (A1.15) in an extreme (1 in 1000 chance) event there would be less than 600mm of water on access roads and within properties, the velocity of any water flowing across the development would be less than 0.3m/second on access roads and 0.15m/second in properties and the maximum rate of rise of floodwater would not exceed 0.1m/hour.**

- 7.19 The evacuation route will be flooded to a depth between 0.6m and 1.0m, below the indicative maximum flood depth of 1.0m for industrial buildings. Even when Figure 3 is adjusted for a 1:1,000 year event, maximum flood levels remain below 1.0m which would allow access by emergency services.

- 7.20 Flood levels within buildings will be set at 7.46m AOD which is 600mm above the predicted flood levels. NRW have identified that if external areas are set at 6.20m AOD (section 6.2) they may experience depths of flooding of approximately 660mm in the predicted 0.5% CCA event. This is within the tolerable levels for industrial development which is set at a maximum of 1000mm in the TAN. Details of velocity and rate of rise have not been provided.

- 7.21 Whilst the development is shown to be compliant with the tests in the TAN and the level of flooding identified within the FCA is within tolerable limits for low-vulnerability industrial development. The data within the FCA is based on predictions and although a precautionary approach has been taken and advised by the TAN, the chances of a 1 in 1000 year event are extremely low. Owing to the tidal nature of the flood waters it is considered that the rise and fall of the waters will be predictable with large windows of time between each high tide when waters recede, allowing emergency access, escape and movement of goods away from areas likely to flood whilst escape routes will remain usable in all instances.



7.22 In summary, when assessing whether the risks and consequences of flooding can be satisfactorily managed, whilst the proposals do not satisfy all tests of TAN 15 in terms of the risk during an extreme (1 in 1000 chance) event, when taking into account all relevant considerations, and most notably the nature of the established use, the proposal is considered to be, on balance, acceptable. NRW has not objected to the proposal on the proviso that floor levels of building should be set to a minimum of 7.46 metres above Ordnance Datum (AOD) which is 600mm higher than the predicted 0.5% climate change event. It has also been demonstrated that the proposed buildings will be flood free in the predicted 0.1% CCA event.

### **Highways**

7.23 Policy GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility. The Head of Streetscene and City Services (Highways) has confirmed that the proposal will have an impact upon the capacity of the signal controlled junction with the SDR, which is already congested and prone to accidents. The determination of this application has been delayed in order that a full capacity assessment and data modelling of the junction could be carried out, rather than base figures on anticipated projections.

7.24 The applicant has undertaken an assessment of the capacity of the junction and submitted the data for consideration. The assessment looked at all arms feeding into the junction of Corporation Road with the SDR. The junction is currently operating at around 89% of capacity in the AM peak hour and 80% in the PM peak hour, with queues on the southern arm of the junction averaging around 4-5 vehicles in the AM peak hour and 16 vehicles in the PM peak hour. According to the assessment the site is forecast to generate 120 arrivals and 16 departures in the AM peak hour, and 9 arrivals and 87 departures in the PM peak hour. The queues predicted on Corporation Road are considered to be acceptable and do not indicate a capacity issue; the results indicate an average delay of 42 seconds per vehicle, which can be cleared in a single cycle. The assessment confirms that the increase in traffic at the junction would be less than 3% in peak hours and consequently, it is considered that the impact of the proposed development traffic is minimal, and that the junction will continue to operate within capacity. The Head of Streetscene and City Services (Highways) considers this increase to be acceptable and has therefore not objected to the proposal. No contributions have been sought in respect of junction improvements.

7.25 The applicant has also proposed to implement a travel plan which will be secured through a condition to encourage the reduction of travel by vehicle to the site. Statements within this plan are positive although require further justification. There is a lack of public transport in the immediate vicinity of the site with the nearest bus stops outside of recognised walk distances, the SDR provides a barrier to walking and cycling with the Corporation Road and Traston Road footways are not being overlooked and hence although unattractive to use do provide links to the application site. Further justification of the Transport Assessment statements are therefore required in order to understand what means will be utilised to reduce reliance on single vehicle occupant trips. Although public transport does not utilise this part of Traston Road, bus routes do extend along Nash Road. The Head of Streetscene and City Services (Regional Travel Plan Coordinator) has recognised that the submitted information is limited in terms of encouraging public transport use and reducing single vehicle occupancy is not addressed and welcomes the use of a condition to require the submission of a Travel Plan with subsequent updates as suggested within the submitted information. This travel plan shall also include details of what mitigation measures can be implemented if targets within it are not met. This is considered reasonable and site occupiers will be able to encourage employees to use sustainable transport modes and car limiting schemes such as car sharing.

## **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 proposed B8/B2 development is considered acceptable and it is recommended that planning permission is therefore granted subject to the following conditions.

## 10. **RECOMMENDATION**

### **GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents: TN02 Junction Modelling, Travel Plan, Transport Assessment, Archaeological Assessment, Arboricultural Method Statement, Ecological Assessment, Tree Survey, Planning Statement, Design and Access Statement, 10b alternative planting schedule, 10a proposed planting schedule, Newt and Bat Survey.

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

### ***Pre-commencement conditions***

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

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

The development shall be carried out in accordance with the approved Tree Protection Plan.

Reason: To protect important landscape features within the site.

03 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.

04 On the submission of Reserved Matters, a travel plan should be submitted for consideration. The plan shall include a summary of the net change in road traffic caused by the development broken down into vehicle categories and a comprehensive list of mitigation measures the development will include to minimise car dependency and single occupant vehicle use. All possibilities should be listed and justification as to which can and cannot be implemented. This travel plan shall be implemented as approved on occupation of the first unit and shall remain in implementation in perpetuity.

Reason: To minimise the increase in unsustainable traffic use associated with the development.

05 Prior to the commencement of development, a reptile Method Statement will need to be submitted in writing to and agreed in writing by the local planning authority. The approved statement shall then be implemented in accordance with the approved details.

Reason: In the interest of the ecological resource.

06 Before the development, other than demolition, is commenced, written approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs). The proposed plan shall use native, locally sourced species. The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

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

07 Full details of external illumination and floodlighting shall be submitted to the Local Planning Authority prior to the erection or installation of any external lighting on site, and the lighting shall then be installed fully in accordance with the details as approved. No other external lighting shall be installed without the prior consent in writing of the Local Planning Authority.

Reason: In the interests of the ecological resource

08 No development, other than demolition, shall commence until full details of surface drainage systems have been submitted to and approved in writing by the Local Planning Authority. This drainage strategy shall set out controls of contamination, including controls to surface water runoff, water pumping, storage of fuels and hazardous materials, spill response plans and pollution control measures. The proposed measures shall demonstrate that there will be no pollution of the watercourses adjacent to the site arising from any activity on it. The details shall be implemented fully in accordance with the approved scheme prior to the occupation of the site.

Reason: To ensure adequate drainage is provided.

09 Prior to the occupation of each unit, space for the parking, loading and unloading of vehicles shall be provided for each unit in accordance with details that have first been submitted to and

approved in writing by the Local Planning Authority and thereafter shall be kept available at all times for such purposes.

Reason: To ensure the efficient functioning of the site and to avoid the need for vehicles to be parked on the highway.

### **General Conditions**

10 Finished floor levels of the buildings shall set 7.46 metres above Ordnance Datum (AOD) (Newlyn).

Reason – To reduce the risk of flooding to the proposed development and future occupants.

#### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: TN02 Junction Modelling, Travel Plan, Transport Assessment, Archaeological Assessment, Arboricultural Method Statement, Ecological Assessment, Tree Survey, Planning Statement, Design and Access Statement, 10b alternative planting schedule, 10a proposed planting schedule, Newt and Bat Survey, soil survey, historical map, soil chemistry, site sensitivity, Pre-application consultation report.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP18, GP2, GP4, GP5, GP6, GP7, CE6, T2 and T4 were relevant to the determination of this application.

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

04 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations under reference 15/1198 and it is considered that an Environmental Statement is not required.

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

06 Any scrub clearance/tree work should be undertaken outside bird nesting season. If this is not possible then a suitably qualified ecologist will be required to undertake a search for nests prior to commencement of works. If a nest is found then works in that area must cease until the young have fledged

---

## APPLICATION DETAILS

**No: 2**                      **17/0034**                      **Ward: CAERLEON**

**Type:**                      **FULL**

**Expiry Date:**                      **7-JUL-2017**

**Applicant:**                      **ENZO'S HOMES LTD**

**Site:**                      **LAND ADJACENT TO AND SOUTH EAST OF MCCREADYS,  
PONTHIR ROAD, NEWPORT**

**Proposal:**                      **CONSTRUCTION OF 2NO. DWELLINGS WITH ASSOCIATED  
ACCESS AND LANDSCAPING WORKS**

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

### 1. INTRODUCTION

- 1.1 This application seeks planning permission to erect 2no. further dwellings at the McCreedy's Development Site Ponthir Road. The application site covers approximately 0.14ha of land of the larger housing site of 2.5ha.
- 1.2 Reserved matters permission was granted under application 08/1333 for 54no. dwellings and construction is at an advanced stage with many of the properties having been sold and now currently occupied. The proposed dwellings are to be erected on land which formed part of the landscape buffer for application 08/1333 and was classified as TPO protected woodland .
- 1.3 The proposed site is located within the settlement boundary of Caerleon and the site forms part of the housing commitment for McCreedy's Ponthir Road under Policy H1 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) which is allocated for 54 dwellings. This proposal would therefore represent a windfall increase on this allocated figure to contribute towards Newport's housing supply, albeit the current residual land supply for Newport is well in excess of 5 years.
- 1.4 The proposal is in flood zone B as defined by Natural Resources Wales Development Advice Maps. These are areas which are known to have flooded in the past. No Flood Consequence Assessment is required and therefore one has not been provided, however, Technical Advice Note 15: Development and Flood Risk (TAN 15) suggests that NRW should be consulted as a precaution in relation to such sites. NRW have been consulted and have offered no comment in respect of the proposal.
- 1.4 The primary issues for consideration are the impact of the proposal on visual and residential amenity of existing and future occupants, the loss of the landscape buffer in this location, highway safety and impact of the proposal on Air Quality.

### 2. RELEVANT SITE HISTORY

17/0232	NON MATERIAL AMENDMENT TO PLANNING APPLICATION 08/1333 TO SUBSTITUTE HOUSE TYPES ON PLOTS 25, 36, 44, 45, 46 AND 47	APPROVED
16/1156	PARTIAL DISCHARGE OF CONDITION 06 (STONE WALL) OF PLANNING PERMISSION 08/1333 FOR RESIDENTIAL DEVELOPMENT OF 54NO. TWO STOREY AND TWO AND A HALF STOREY	APPROVED

	DWELLINGS AND ASSOCIATED WORKS (RESERVED MATTERS)	
16/0693	NON MATERIAL AMENDMENT TO SUBSTITUTE HOUSE TYPES ON PLOTS 25, 36, 44, 45, 46 AND 47 OF PLANNING PERMISSION 08/1333 FOR RESIDENTIAL DEVELOPMENT OF 54NO. TWO STOREY AND TWO AND A HALF STOREY DWELLINGS AND ASSOCIATED WORKS (RESERVED MATTERS)	APPROVED
16/0516	PARTIAL DISCHARGE CONDITION 15(CHEMICAL ANALYSIS OF IMPORTED SOILS/FILL) OF PLANNING PERMISSION 08/1333	APPROVED
16/0090	PARTIAL DISCHARGE OF CONDITION 15 (SOIL CHEMICAL TESTING) OF PLANNING PERMISSION 08/1333	REFUSED
15/1462	PARTIAL DISCHARGE OF CONDITION 12 (CEMP)	APPROVED
15/0733	PARTIAL DISCHARGE OF CONDITION 12 (CEMP) OF PLANNING PERMISSION 08/1333	APPROVED
15/0737	PARTIAL DISCHARGE OF CONDITION 3 (MATERIALS) OF PLANNING PERMISSION 08/1333	APPROVED
15/0943	PARTIAL DISCHARGE OF CONDITION 17 (CARRIAGEWAY AND FOOTPATHS) OF PLANNING PERMISSION 08/1333	REFUSED
08/1333	RESIDENTIAL DEVELOPMENT OF 54NO. TWO STOREY AND TWO AND A HALF STOREY DWELLINGS AND ASSOCIATED WORKS (RESERVED MATTERS)	GRANTED WITH CONDITIONS
03/1042	VARIATION OF STANDARD CONDITION 01 OF PLANNING PERMISSION 00/0561 TO EXTEND TIME PERIOD TO SUBMIT RESERVED MATTERS FOR RESIDENTIAL DEVELOPMENT FOR A FURTHER 3 YEARS	GRANTED WITH CONDITIONS
00/0561	VARIATION OF STANDARD CONDITION 1 OF 98/0306 TO EXTEND THE TIME PERIOD TO SUBMIT RESERVERD MATTERS FOR RESIDENTIAL DEVELOPMENT OF THE SITE FOR A FURTHER THREE YEARS	GRANTED WITH CONDITIONS
98/0306	VARIATION OF STANDARD CONDITION (B) OF PLANNING PERMISSION 90/0707/O TO EXTEND THE TIME PERIOD TO SUBMIT RESERVED MATTERS FOR THE RESIDENTIAL DEVELOPMENT OF THE SITE	GRANTED WITH CONDITIONS
90/0707/O	DEVELOPMENT OF 6.42 ACRES OF LAND FOR RESIDENTIAL PURPOSES - RENEWAL OF PLANNING PERMISSION 1/14767	GRANTED WITH CONDITIONS

### 3. POLICY CONTEXT

- **Policy SP1 Sustainability** favours proposals which make a positive contribution to sustainable development.
- **Policy GP2 – General Amenity** states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
- **Policy GP4 – Highways and Accessibility** states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.

- **Policy GP5 – Natural Environment** states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.
- **Policy GP6 – Quality of Design** states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.
- **Policy H1 Housing Sites** lists sites allocated for residential development within the plan period.
- **Policy H2 Housing Standards** promotes high quality design taking into consideration the whole life of the dwelling.
- **Policy H3 Housing Density** seeks a density of at least 30 dwellings per hectare on sites of 10 dwellings or more.
- **Policy H4 Affordable Housing** sets out the affordable housing targets for the four submarket areas within Newport. For new housing sites of fewer than 10 dwellings within the settlement boundary, and fewer than 3 dwellings within the village boundaries, a commuted sum will be sought.
- **Policy T4 Parking** states that development will be expected to provide appropriate levels of parking.

#### 4. CONSULTATIONS

- 4.1 NEWPORT ACCESS GROUP: No response.
- 4.2 NATURAL RESOURCES WALES: No comment.

#### 5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (TREE OFFICER): No objection. It would be better to have more naturalist planting adjacent to Ponthir Road eg thorn, hazel and field maple – which would form and be maintained as a native hedge. This would be more keeping with what was there before. A full species planting schedule and maintenance specification should be included. A replanting notice will be issued to compensate for loss of TPO trees.
- 5.2 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPE OFFICER): No objection.
- 5.3 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): No comment.
- 5.4 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): No objection.
- 5.5 HEAD OF STREETSCENE AND CITY SERVICES (DRAINAGE): The applicant has advised that soak ways shall be used to manage and discharge surface water from the site. However, no information has been provided to verify testing and design of such a soak away. Suggests the agent provides evidence of porosity testing (BRE 365) and provide a suitable soak away design, for the area that requires draining.
- 5.6 HEAD OF LAW AND REGULATION (PUBLIC PROTECTION):  
**Noise:** It is accepted that the noise report has satisfactorily demonstrated that with acoustic trickle vents, acceptable noise levels can be achieved within the first floor habitable rooms. As provided in public protection response of 16th May 2017 it is noted that the report provides that the windows in the yellow/ orange areas at first floor level shown in Figures 7 and 8 should be normally closed. Prospective occupiers should not have to rely on opening of the windows in order to satisfactorily ventilate the rooms. Trickle vents will provide background ventilation but occupiers should not then be placed in a position of choosing whether to open the windows to fully ventilate but then experience the road traffic noise.

The applicant should therefore be requested to provide confirmation that they are prepared to provide mechanical ventilation to the first floor habitable rooms served by windows in the yellow/ orange areas at first floor level. Any planning permission granted should then be subject to a condition requiring a mechanical ventilation strategy to be submitted and approved in writing by the Local Planning Authority prior to first occupation of the dwellings. Clearly it will be important for the strategy to demonstrate that it does not compromise the façade insulation or the internal noise levels.

**Contaminated land:**

Given that this is a relatively small addition to a wider site that has been investigated and remediated it is possible that potential contamination from this area has already been dealt with. However, to ensure that is the case recommends standard contaminated land conditions.

**Air Quality:** Whilst the site is located near Ponthir Road the traffic along this stretch is relatively free flowing and unlikely to generate air pollution at levels that would breach the air quality standards. However, Caerleon has a significant air quality issue along Castle Street and the High Street. It has been proven local traffic circulates through both of these areas causing elevated levels of air pollution. Developments within the local area will contribute additional traffic, thus impacting upon the areas of existing poor air quality. It is understood that the redevelopment of the wider brownfield site has replaced high polluting vehicle types (HGVs) with supposedly less polluting vehicles (domestic cars). However to ensure the additional traffic impact of this development is kept to a minimum and to encourage low/zero emission forms of transport it is recommended that the parking bays include electric vehicle charging points.

- 5.7 HEAD OF REGENERATION, INVESTMENT AND HOUSING (PLANNING CONTRIBUTIONS MANAGER): The proposed development comprises 2 x 4 bed houses. Commuted sum payments for affordable housing will be sought on sites of fewer than 10 dwellings within the Housing Target Area of Rural Newport. As such, the development would generate a commuted sum provision of £6,424 for affordable housing in the City of Newport

This payment would be index linked to the Retail Price Index and paid prior to occupation of the second dwelling

**6. REPRESENTATIONS**

- 6.1 NEIGHBOURS: 12 neighbours were consulted with a common boundary and opposite the application site. A site notice was displayed at the entrance to the site on Ponthir Road. No objections have been received.
- 6.2 COUNCILLORS GILES, HUNTLEY AND SULLER : Councillor Giles objects to the proposal and has requested for it to be heard at planning committee for the following reasons:
- These houses were not included in the original application which allowed green space to be maintained, which would be lost
  - overdevelopment of the site with associated increased traffic and subsequent adverse effect on air quality particularly on Ponthir Road and Caerleon town centre already identified as suffering the highest levels of pollution in Newport and limited by a one-way system.
- 6.3 CAERLEON CIVIC SOCIETY: No objection.

**7. ASSESSMENT**

- 7.1 The proposal comprises 2 no 4 bed dwellings (plot 1a and 1b) which are to be erected at the entrance to the existing Mccready's development site and adjacent to Ponthir Road in an area which was previously a landscape buffer. The existing new properties along this entrance road are characterised by their detached design, separation from the highway and generous front curtilages with parking to the rear. Owing to the gradient of the land sloping into the site, Ponthir road is elevated above the development site. Plot 1b will be elevated



slightly above the ground level of 1a which is elevated above the position of the existing neighbourly property at Plot 1.

- 7.2 Each dwelling is to front onto Aqueduct Close (the primary Road of the new estate), separated from the public highway by a lawned area. Vehicular parking is to be located to the rear of each dwelling off a newly proposed turning area. Each dwelling is proposed to have 3no. parking spaces. A mix of tarmac and block paving is proposed to define the parking areas from the highway. The Head of Streetscene and City Services (Highways) has no objection to the proposal.
- 7.3 Each dwelling will be identical in design and is proposed to measure approximately 8.89m in width by 11.33m in depth with a maximum height of 8.77m (4.90m to the eaves) underneath a pitched roof. They will contain 4no. bedrooms and a bathroom with one en-suite at first floor level with a kitchen/dining area, living room, study and play room at ground floor level. A pitched-roof gable element is to project forward of each front elevation by 1.5m and this is accounted for in the quoted depth above. The design of these dwellings is consistent with the other dwellings within the wider development site and their position at the entrance to the estate creates feature properties in this location.
- 7.4 Each property has a front and back garden. The front gardens are separated by 0.9m high railings which are positioned forward of their front elevations. The rear gardens are to be enclosed by 1.8m high close boarded fence. The garden of Plot 1b will have a depth of in excess of 15m and the garden of Plot 1a will have a depth of approximately 19.7m. The size of each garden exceeds the footprint of the respective property and is therefore policy compliant in terms of size and depth. Owing to the depth and orientation of the gardens compared to neighbouring properties there will be no instances of harm to residential amenity through overlooking or loss of light. The 1.8m high fence which is to define the western boundary of plot 1b is to be constructed below the level of the stone wall fronting Ponthir Road and will not be visible above it. The embankment between this fence and approved wall (approved under 16/1156) is to be landscaped and will, at least in part, mitigate the visual impact arising from the previous loss of landscaping along this boundary. It is likely that this landscaped area will fall within the control of the nearest occupier and its retention and controls over buildings or structures in this area would be appropriate.
- 7.5 Previously, the area upon which the proposal is to be sited comprised protected woodland which was to form a landscape buffer to the existing residential development site. The applicant is not responsible for their unauthorised removal and the Head of Streetscene and City Services (Trees) has confirmed that removal of some vegetation may have been verbally agreed on site if the vegetation and trees were of poor quality. This agreement would have been with the previous landowner but a written record of the extent of these works is not available and officers are therefore unclear about whether the works were undertaken in accordance with the discussions with the Tree Officer. It seems unlikely that complete removal would ever have been agreed but that is what has taken place for the entirety of the Macready's development boundary with Ponthir Road. Photographs taken in 2015 suggest that this part of Ponthir Road to which the application is subject contained fewer trees and a larger proportion of hedging than the southern end of the wider residential site fronting Ponthir Road. Nevertheless it formed a pleasant landscaped border. To compensate for the loss of the TPO'd trees and other vegetation it is proposed to incorporate areas of landscaping between the south-western end elevation wall of plot 1a and the stone wall approved to front Ponthir Road under application 16/1156. The Head of Streetscene and City Services (Trees) has requested that this should comprise naturalist planting and be maintained as a native hedge to be more in keeping with what was there before. This hedge once mature will create a pleasant entrance to the site and is welcomed. A condition will be attached to any permission granted to require the submission of a detailed landscaping scheme which incorporates this requirement. Any scheme submitted should be of a high quality and the Tree Officer has confirmed that a formal replanting Notice will be issued separately by the Head of Streetscene and City Services and the requirements of this can align with the landscape scheme required by planning but it will protect such landscaping in the longer term and beyond the 5 years that planning can reasonably secure by planning condition. Areas of open landscaping are also proposed within the north-western corner of the application site adjacent to the proposed turning

head and to the rear of plot 1. Currently in the existing estate some areas of open landscaping have been incorporated into the domestic curtilage of adjacent residential properties.. The developer has therefore shown a 0.45m high stone wall to the rear of plot 1 to create a firm boundary between its curtilage and the open landscaped area.

- 7.6 Councillor Giles has objected to the loss of the 'green space' which previously occupied this part of the Mccready's site. However, the Head of Streetscene and City Services (Highways), (Trees), (Landscape) or (Ecology) have not objected to the proposal and an acceptable level of landscaping is considered to be proposed or capable of being secured. The Head of Streetscene and City Services requires further detail regarding the soakaway deisgn and this will be required through a condition attached to any permission granted.
- 7.7 The Head of Law and Regulation (Public Protection) has recommended that a standard condition is attached regarding precautions in respect of contaminated land owing to the historic use of the site. However, the site has been filled as part of the existing development as has the application site which was in any instance part of a natural landscaped buffer raised above the remainder of the site which would have been unaffected by any contamination. Therefore the use of a condition requiring the submission of contamination investigation works cannot be justified.
- 7.8 No objection has been offered in respect of the impact of the proposal on Caerleon Air Quality Management Area owing to historic previous uses generating traffic from high polluting vehicle types (HGVs). However, the site has been vacant for some time and the previous use cannot be implemented. The proposal will therefore add vehicles into the highway system. Despite this, the proposed dwellings will make efficient use of this vacant urban site. To leave this land vacant would have an adverse impact upon the character and appearance of the wider area and the siting of the proposed dwellings appropriately complete the existing residential development. It is difficult to reasonably conclude what increase in traffic the development may cause upon the Air Quality Management Area as its location close to the fringe of both Caerleon and Newport's administrative boundary mean that there is a reasonable prospect of occupational traffic travelling northward to Ponthir, Cwmbran and Torfaen for example rather than Caerleon. Furthermore, construction traffic is already on site associated with the existing development and this development will not therefore add construction traffic to the highway system over and above traffic already using it. It is considered that the merits of this proposal, these being efficient use of vacant urban land for residential purposes adjoining an allocated residential site to include landscaping, are significant and whilst the previous loss of protected trees is regrettable, this was done prior to the current landowner taking the site on and this application can secure replacement planting to compensate for the loss of TPO features. In relation to air quality some additional traffic movements must be expected in association with their future occupation but these will be of very small number and the Head of Law and Regulation (Public Protection) has not objected to the scheme all things considered – notably historic uses on this site and others that would have, historically, generated significantly more HGV traffic that we see now. However, any increase in vehicle movements within the AQMA of Caerleon, no matter how small, will have an adverse impact as evidence confirms that air quality in this area is already at harmful levels. The Head of Law and Regulation (Public Protection) does recommend that to encourage low/zero emission forms of transport the parking bays should include electric vehicle charging points. Bearing in mind the comments above, the merits of the scheme, the site location and likelihood of traffic travelling northwood, some mitigation associated with air quality can be justified but a refusal on these grounds is not considered robust. A condition will therefore be attached to any planning permission granted to require the submission and implementation of details of a usable electric vehicle charging point for each property to encourage the use of electric vehicles at these plots. A CEMP will also be required to detail how the impact on the AQMA is to be limited during construction. Whilst it is noted above that these vehicles are already in the system as are already accessing the site in association with the neighbouring residential development, the previous permissions did not require control over the route or timing of construction vehicles and exercising control over these along with the house mitigation points mentioned above are considered, on balance, to weigh in favour of the scheme on the matter of air quality. A CEMP could prevent HGVs associated with the developer's construction activities using the Caerleon High Street & Castle Street at peak times. Any Construction and Environmental

Management Plan will therefore need to specify what route construction vehicles are to take, timings of these and how this will be ensured. It is noted that construction deliveries from third party operators cannot be controlled via this condition as are outside the control of the applicant.

7.9 Concern was expressed by The Head of Law and Regulation (Public Protection) regarding the impact on the residential amenities of future occupants of noise from Ponthir Road. A noise assessment was subsequently submitted which concludes that internal noise levels are within British Standard criteria if controlled through the building fabric and ventilation provisions. The 1.8 metre high fence along the Ponthir Road site boundary is considered to suitably control external noise in amenity areas. The Head of Law and Regulation (Public Protection) is satisfied with this conclusion and has recommended that a condition is attached to any permission granted to require the submission of details of mechanical ventilation.

7.8 The application site is within the 40% submarket area of Caerleon for affordable housing as identified in Policy H4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Commuted sum payments for affordable housing will be sought on sites of fewer than 10 dwellings within the Housing Target Area of Rural Newport. As such, the development would generate a commuted sum provision of £6,424 for affordable housing. The applicant has agreed to pay this sum and the proposal is therefore compliant with Policy H4.

## 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 proposed dwellings are considered an acceptable extension to the wider McCreedy's residential development offering an acceptable level of amenity for existing and future occupants. Planning permission is therefore granted subject to the following conditions.

## **10. RECOMMENDATION**

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

#### ***Conditions***

01 The development shall be implemented in accordance with the following plans and documents: Site block and location plan, email 1<sup>st</sup> Jun 2017 from Richard Bowen confirming use of mechanical ventilation, noise assessment report Rev A, 01\_B Landscape Stone Feasibility, E-620-02 Floor Plans and Elevations.

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

#### ***Pre- commencement conditions***

02 Prior to the commencement of development, to include demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, air quality\*, vibration, dust\*\* and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. Notwithstanding the approved Air Quality Report measures to minimise the impact on air quality should include HGV routes avoiding Air Quality Management Areas during peak traffic periods and avoid vehicle idling. The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

\* The Institute of Air Quality Management <http://iaqm.co.uk/guidance/>

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

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

03 Prior to the commencement of development details of the location and design of an electric vehicle charging point for each property shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented prior to the first occupation of each dwelling and the charging point shall be remain in place and available for use in perpetuity.

Reason: In the interest of encouraging low/zero emission forms of transport.

04 Prior to the commencement of development a scheme of mechanical ventilation for each property shall be submitted to and approved in writing to the Local Planning. The properties shall be constructed incorporating the approved means of ventilation and shall not be

occupied until it is in full working operation. The ventilation system shall be retained in perpetuity.

Reason: In the interest of residential amenity.

05 Before the development, other than demolition, is commenced, written approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs and a full planting specification and maintenance specification) to be maintained at a minimum height of 3.5m. This scheme shall include planting to form a native hedge to the boundary with Ponthir Road such as thorn, hazel and/or field maple and a mix of native hedgerow species. Sizing of these must be a mixture of whips, feathered trees and heavy standard specimens. The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, the trees and shrubs shall be maintained for a 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.

06 No development, other than demolition, shall commence until full details of the surface drainage systems has been submitted to and approved in writing by the Local Planning Authority. This shall include evidence of porosity testing and details of the proposed soakaways. The details shall be implemented fully in accordance with the approved scheme prior to the occupation of any dwelling.

Reason: To ensure adequate drainage is provided.

***Pre –occupation conditions***

07 No use shall be made of the dwellings hereby approved until the parking spaces shown on plan 01\_B have been provided and surfaced as indicated on the plan(s) hereby approved and individual parking spaces marked on the surface. Thereafter, these areas shall be kept available for those purposes at all times.

Reason: To ensure that adequate off-street parking provision is made in the interests of highway safety.

08 No use shall be made of the dwellings hereby approved until boundary treatments have been erected in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The completed boundary treatment shall then be retained as approved in perpetuity and shall not be removed at any point without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and to protect the integrity of landscape areas.

***General conditions***

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

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

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order), Schedule 2, Part 1, no development within Classes A, B, C, D, or E shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To ensure that a satisfactory form of development takes place and to protect the amenities of occupiers of adjoining properties.

11 The landscaped buffer strip separating the domestic curtilage of plot 1b and the boundary with Ponthir Road, shall be retained as a “landscaped border” in perpetuity. At no time shall it be incorporated into the domestic curtilage of any dwelling or any buildings, structures or associated works be erected or undertaken within it.

Reason: To ensure this landscaped border is maintained in the interests of residential and visual amenity.

## *NOTE TO APPLICANT*

01 This decision relates to plan Nos: Site block and location plan, email 1st Jun 2017 from Richard Bowen confirming use of mechanical ventilation, noise assessment report Rev A, 01\_B Landscape Stone Feasibility, E-620-02 Floor Plans and Elevations.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, GP2, GP4, GP5, GP6, H1, H2, H3, H4 and T4 were relevant to the determination of this application.

03 The Supplementary Planning Guidance for New Dwellings (Adopted August 2015) and Parking Standards (Adopted August 2015) were relevant to this application.

04 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.

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

---

## **APPLICATION DETAILS**

**No:** 17/0034      **Ward:** CAERLEON

**Type:** FULL

**Expiry Date:** 07-JUL-2017

**Applicant:** ENZO'S HOMES LTD

**Site:** LAND ADJACENT TO AND SOUTH EAST OF MCCREADYS, PONTNIR ROAD, NEWPORT

**Proposal:** CONSTRUCTION OF 2NO. DWELLINGS WITH ASSOCIATED ACCESS AND LANDSCAPING WORKS

### **1. LATE REPRESENTATIONS**

1.1 Dwr Cymru Welsh Water requests that conditions and advisory notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

### **2. OFFICER COMMENTS**

2.1 This consultation response has no bearing on the recommendation.

### **3. OFFICER RECOMMENDATION**

3.1 The recommendation remains to grant permission subject to conditions and the signing of a legal agreement.

## **APPLICATION DETAILS**

**No: 3**                      **17/0387**                      **Ward: GRAIG**

**Type:**                      **FULL**

**Expiry Date:**                      **19-JUN-2017**

**Applicant:**                      **N HALE**

**Site:**                      **60, PENTRE-POETH ROAD, NEWPORT, NP10 8LL**

**Proposal:**                      **DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS AND ERECTION OF A NEW DWELLING AND RELOCATION OF EXISTING SITE ACCESS**

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

### **1. INTRODUCTION**

- 1.1 This application seeks consent for the demolition of a detached house and the erection of a two/three storey dwelling in its place. The application is a full application; it is proposed to erect a five bedroomed house with accommodation in the roof. Detached houses are sited either side and to the rear of the proposed dwelling, Access is proposed off Pentre-poeth Road. The site is within the settlement boundary outlined within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).
- 1.2 Councillor David Williams has requested that this application be considered by Planning Committee. Firstly the house appears to be over double the size of the existing property, secondly concerns have been expressed by neighbours about the height of the proposed property and thirdly this in an older property which has been part of the fabric of Pentre-poeth road for a long time and should be maintained or enhanced not obliterated by any redevelopment.

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

None.

### **3. POLICY CONTEXT**

- 3.1 The policy context is set out in the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).
- Policy SP8 refers to Special Landscaped Areas, and states that development will be required to contribute positively to the area.
  - Policy SP13 refers to planning obligations and states that development will be required to help deliver more sustainable communities by providing or making contributions to local or regional infrastructure in proportion to its scale and the sustainability of the location.
  - Policy GP1 which is for general Development principles for climate change and proposals should: be designed to withstand predicted changes in the local climate and reduce the risk of flooding on site and elsewhere by demonstrating where appropriate the risks and consequences of flooding can be acceptably managed.
  - Policy GP2 highlights that “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 behaviour;
    - iv) the proposal promotes inclusive design both for the built development and access within and around the development;
    - i) adequate amenity for future occupiers.”
  - Policy GP5 (General Development Principles – Natural Environment) states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural

land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality, proposals should enhance the site and wider context including green infrastructure and biodiversity and the proposal should include appropriate tree planting and does not result in the unacceptable loss of or harm to trees.

-Policy GP6 highlights that “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:

- 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;
- 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;
- 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;
- 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;
- 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;
- 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.”

-Policy GP4 highlights that “development proposals should:

- i) provide appropriate access for pedestrians, cyclists and public transport in accordance with national guidance;
- ii) be accessible by a choice of means of transport;
- iii) be designed to avoid or reduce transport severance, noise and air pollution;
- iv) make adequate provision for car parking and cycle storage;
- v) provide suitable and safe access arrangements;
- vi) design and build new roads within private development in accordance with the highway authority’s design guide and relevant national guidance;
- 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.

-Policy H2 states that residential development should be built to high standards of environmental and sustainable design, taking into account the whole life of the dwelling. Policy H4 refers to Affordable Housing and states that on-site provision of affordable housing will be required on all new housing sites of 10 or more dwellings within the settlement boundary, or 3 or more dwellings within the defined village boundaries.

-Policy H6 of the Newport LDP notes that “the sub-division of residential curtilages, infill within existing residential areas, and the development of backland to existing residential properties will only be permitted where this does not represent an over-development of land.”

-Policy T4 states that development will be required to provide appropriate levels of parking, within defined parking zones, in accordance with adopted parking standards.

- 3.11 The New Dwellings Supplementary Planning Guidance is also relevant to the determination of this application. The guidance seeks to ensure that occupants of new dwellings have reasonable living conditions, the new dwellings do not deprive persons in existing dwellings of reasonable living conditions and to protect the character and appearance of the natural and built environment.

## **4. CONSULTATIONS**

- 4.1 WELSH WATER DWR CYMRU: Request that the following conditions/advisory notes be attached to any consent:

No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.



Some public sewers and lateral drains may not be recorded and request that the applicant contacts the Operations Contact Centre to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Welsh Government has introduced new legislation to make it mandatory for all developers wishing to communicate with the public sewerage system to obtain an adoption agreement for their sewerage.

## **5. INTERNAL COUNCIL ADVICE**

- 5.1 HEAD OF STREET SCENE AND CITY SERVICES (HIGHWAYS): The proposed access is considered to provide an improvement, sufficient off street parking will be available at the site. Subject to the access being hard paved for a minimum of 5m and suitable drainage is employed to prevent surface water run onto the highway, would offer no objection to the application.
- 5.2 HEAD OF STREET SCENE AND CITY SERVICES (TREES), the ash tree nearest the house (T2 of Treecare Consulting's tree report April 2017 –not protected) is going to be far too close to the proposed retaining wall and house. If built as per plan the severed tree roots would render the tree a danger to the new property. Therefore, the proposed house should either be moved further away from the ash tree or the tree should be removed. The hedge on the opposite side of the site contains hazel (which could be coppiced) and holly – with additional planting this has the potential to create a good, natural and informal hedge. The hedge and a potential replacement tree should be considered as part of a landscaping plan. No objections subject to conditions relating to an appropriately worded landscape condition requiring a replacement tree planting and reinforced hedge planting.
- 5.3 HEAD OF LAW AND REGULATION (NOISE): No objections
- 5.4 HEAD OF STREET SCENE AND CITY SERVICES (ECOLOGY) No bats were recorded during the two dusk emergence surveys. Details of external lighting will be required if you are minded to grant planning permission. House sparrows and starlings were observed nesting in the building therefore details of proposed replacement nesting opportunities will be required and should be incorporated into the design of the property.
- 5.5 PLANNING CONTRIBUTIONS MANAGER: This proposal does not result in a net gain of dwellings. As such, no planning obligations are requested.
- 5.6 HOUSING MANAGER: A replacement dwelling should not trigger the requirements for contributions.
- 5.7 HEAD OF STREET SCENE AND CITY SERVICES (LANDSCAPING OFFICER): The location is within but at the edge of the settlement boundary with the site fronting onto attractive open pasture which is the 'West of Rhiwderin Special Landscape Area'. There is pressure on the edge of many of Newport's Special Landscape Areas for house extensions or replacement dwellings to provide better views out into the attractive landscape. Designs often have a high percentage of the front elevation glazed with balconies, with a larger building footprint or elevation. This is having an eroding impact on views out from the SLA's. The application for a replacement of the two storey cottage-style house follows this pattern. As the site is steeply sloping the additional height will create an imposing new building, with two storeys of glazing and use of the roof space as a third floor. At this location, public footpaths cross the open pasture and exit onto Pentre-poeth Road with views onto the site. There is no submitted evidence of the existing building condition. The building set-back line is similar to the existing and is welcomed. The view from rear properties out onto the SLA is over the existing roof but this may be blocked by the proposal. The details submitted do not allow comparison of existing with proposed height. Existing and proposed elevations relative to neighbouring properties rooflines should be requested. There is scope for planting outside the visibility splay to soften views into the site at road level and a planting plan for hedging should be requested. A professional tree survey has been submitted, however the recommended protection areas have not

transferred into the site planning layout resulting in what may be an unacceptable impact on T2. The retaining wall and new levels to the rear are within the protection area for T2, a mature ash to 17m height, 6m canopy radius, category B (moderate quality). An Arboricultural Impact Assessment and Arboricultural Method Statement is required. The mature tree makes an amenity contribution to views from Pentre-poeth Road, and for residents to the along Ffos-Y-Fran to the rear.

## **6. REPRESENTATIONS**

6.1 NEIGHBOURS: All neighbours with a common boundary and opposite were consulted (7 in total) 3 letters of objection on the following grounds:

-The overall design appears to be nearly a 3 fold volume increase over the existing dwelling (approx. 620m<sup>3</sup>) compared with new dwelling (approx. 1600m<sup>3</sup>)

-There are no elevation drawings for the existing dwelling. Is this deliberate, trying to mask the increase in height?

-The proposed plans clearly indicate a 3 storey building in comparison with the existing 2 storey dwelling.

-When measuring the proposed elevations, the new dwelling will be 9.5 metres tall. This will be between 1.5 and 2 metres above the roof line of the existing dwelling. If you look at the photos of the existing rear elevation, it is clear that the window heads are at internal ceiling height with possible sloping ceilings. (see IMG 1170)

-This increased height will block our unrestricted views across the valley. (see IMG 1167)

-The Velux roof lights will overlook our garden, look into bedrooms and will invade our privacy .

-The roof line of the existing dwelling currently lines through with the adjacent properties. (see IMG 1171). The proposed dwelling will clearly rise above this and have a large impact on the surrounding area.

-The proposed 1<sup>st</sup> floor plans do not appear to work with reference to the stairs to the 2<sup>nd</sup> floor. There is clearly not enough headroom above the half landing for the change of direction to ascend the final flight to the 2<sup>nd</sup> floor. This 2<sup>nd</sup> floor does not appear to have been well thought out in terms of practicality. If planning permission is granted for this scheme in its current format, it concerns us what further changes to the roof will be required to make the 2<sup>nd</sup> floor work.

-Perhaps the new owners should consider under-pinning the failed wall and thus preserving this beautiful period building and renovate it to retain the original features. Surely this would be far cheaper than building this scheme at upwards of £500,000?

-Whilst we are not against a new property being built, we find the current design completely unacceptable.

-The 3 storey building may impact on my privacy as the windows will overlook my garden from a much larger height than previously.

-The plans for the drive and garage are in a very different position than the current building and the cars will be driving very close to the edge of my property.

1 letter of support

-not concerned about the impact of the proposed dwelling and support the application.

6.2 COUNCILLORS DAVID WILLIAMS: I wish the above application to be considered by the planning committee on the following grounds. Firstly the house appears to be over double the size of the existing property, secondly concerns have been expressed by neighbours about the height of the proposed property and thirdly this in an older property which has been part of the fabric of Pentre-poeth road for a long time and should be maintained or enhanced not obliterated by any redevelopment.

## **7. ASSESSMENT**

7.1 The proposal entails the erection of a two storey dwelling with accommodation within the roof space. The property sits in a very large plot, the proposed dwelling is set back from Pentre-poeth Road by some 30m. The dwelling would have a footprint 16.6m in width, 15.2m in depth, 9.7m to the ridge and when measured from the front elevation 10.2m (where the ground level is slightly lower). A single storey dining area is proposed on the rear which would measure 7m in depth and 4.6m in width. A carport is proposed on the north western edge of the dwelling which would measure 5.5m in depth and 6.2m in width. The proposed dwelling is much larger than the existing dwelling which has a footprint of

15m in width and 9.8m in depth and a ridge height of 7m. There are numerous outbuildings associated with the existing property which would be removed as part of the proposal. The applicant proposes to relocate the access point some 7m south eastwards and then extend the driveway along the western side of the property to serve the rear car port and parking area. The land slopes upwards from Pentrepoeth Road to the dwelling and the garden to the rear continues an upwards incline. It is proposed that the dwelling would cut into the slope slightly with low retaining walls to the rear of the property.

- 7.2 In terms of Policy GP2 which refers to general amenity and the New Dwellings Supplementary Planning Guidance Adopted August 2015 which considers
- i) the occupants of new dwellings shall have reasonable living conditions
  - ii) new dwellings shall not deprive persons of existing dwellings of reasonable living conditions

iii) to protect the character and appearance of the natural and built environment.

The proposed dwelling would have a larger footprint than the existing property and is clearly taller. Whereas there is a single storey garage on the eastern side of the dwelling, this would be removed and the proposed dwelling would be sited within 1.5m of the side boundary and sit some 3.5m further forward than the existing dwelling. It is considered that most impact is upon number 58 which is sited to the east but forward of the proposed dwelling, its rear elevation lines through with the front of the proposed dwelling. There are windows in the rear and side elevation of number 58, the side windows overlook the front garden of the application site and would not be affected by the proposal. The rear window would be most affected. This serves a lounge and is a large french style window. A garage is sited to the rear of the property on the boundary adjacent to the proposed dwelling, the garage would screen part of the new dwelling

- 7.3 Section 5.8 of the Supplementary Guidance refers to a test which seeks to achieve adequate levels of natural light to neighbours S5.8.2 refers to the 25 degree test, from the horizontal centre of a protected window, at a point 2m above ground level, a notional perpendicular line is drawn at an angle of 25 degrees to the horizontal. A new dwelling that projects beyond this line is likely to interfere with diffuse daylight available to the existing dwelling. The proposed dwelling does not bisect this line. Another test is the 45 degree test where a notional line is drawn at 45 degrees to the centre of the window, the proposed dwelling should not project beyond this line. A further test is where a notional line is drawn from the centre of the protected window at 45 degrees to the horizontal centre at a height of 2m above ground level. In this instance the new dwelling would bisect the 45 degree at plan view but not in elevational view. The development would be unacceptable if both 45 degree tests would fail, it only fails one test. Also, Planning permission has recently been granted for alterations to number 58 which would change the use of this affected room to a dining room, the wall between the dining room and the adjacent kitchen would be removed creating a larger room which would be served by the existing kitchen window which is not affected by the proposed dwelling. Windows are proposed within the side elevation of the proposed dwelling which would face towards number 58. These would serve a bathroom at first floor level and the window adjacent to the stair way. The bathroom window would be obscure glazed, the applicant has stated that the landing window would be stained glass. The use of stain glass would help reduce the degree of overlooking, also this part of the elevation lies adjacent to the neighbouring garage which would minimise the ability to overlook the garden area. It is therefore considered that the proposed dwelling would have an acceptable relationship with number 58.

- 7.4 Neighbours to the rear of the proposed dwelling have raised concerns due to the volume increase of the proposed dwelling and its increase in height effectively creating a three storey dwelling. There is also concern about loss of privacy as the dwelling encroaches onto the rear of these properties. Concern has also been raised about the loss of currently uninterrupted views. The Supplementary Guidance refers to distances between dwellings and states that where windows would face one another there should be a distance of 21m achieved (S 5.7). The property to the rear is elevated in relation to the proposed dwelling and distances in excess of 30m between the dwellings would result. An established hedge is also sited on the rear boundary which would provide screening between the properties. Loss of view is not a reason to resist development. The property adjacent to the rear garden is also elevated in relation to the proposed dwelling. There would be oblique views from windows and the ground floor of the proposed dwelling would be 17m from the

windows and first floor windows 22m away. It is considered that the impact upon these properties would be minimal.

- 7.5 There are two properties sited to the south west of the application site. In terms of the impact of the proposal on these properties, the foot print of the proposed dwelling house moves further away from the boundary however it does extend further to the rear than the existing property. The first floor windows are to bathrooms which would be fitted with obscure glazing. Ground floor windows are proposed in the play room and bathroom. A hedge is sited on the boundary between these properties. The applicant has confirmed that the hedge is to be retained and reinforced with additional planting. The neighbour is concerned that the proposed dwelling is three storeys in height and that the driveway is proposed to pass adjacent to the side of their boundary to serve the car port and turning area at the rear of the property. The existing driveway does not do this. It is considered that the increase in height will have a negligible impact upon the neighbouring properties. The drive way does not cause concern, a driveway passing to the rear of such a property is not considered to be untypical. The relationship with these properties is considered to be acceptable.
- 7.6 In terms of policy GP6 which refers to good quality design, there is a mixed character within the area. Residential development is largely sited to the north of Pentrepoeth Road, open fields lie to the south which is also a designated Special Landscaped Area. It is considered that as the proposed dwelling is set back so far into the site, in amongst the residential pattern of development, it would not adversely affect the character of the Special Landscaped Area. Houses are modern generally and in the immediate area are rendered with a gable ended roof design. The existing dwelling is of an older style and is rendered with a fibre cement slate roof. The applicant has stated that a structural engineer has assessed the property due to the presence of cracks. There is an indication of subsidence, which coupled with the poor state of repair internally has resulted in the preferred option to demolish the house. The property is not listed or located within a conservation area, and whilst its removal is regrettable, there is no requirement to retain it. The replacement dwelling would be of a modern design. It would be largely rendered with blue grey fibre cement roof tiles. The roof would be hipped and a great deal of glazing is proposed on the front elevation. Rooflights are proposed on the front and rear roof planes and photovoltaic solar panels on the south western roof plane. It's modern design is not considered to be at odds with the character of the area. Adjacent properties have gable style roofs and hipped roofs are also present within the area. It is considered that the property is acceptable in design terms and complies with policy GP6.
- 7.7 In terms of highways, the access is proposed to be re-sited in order to improve visibility when emerging from the site. Car parking can be provided for at least four cars which is in accordance with adopted parking standards. The Head of Street Scene and City Services considers that the proposed access provides an improvement and sufficient off street parking will be available at the site. Subject to the access being hard paved for a minimum of 5m and suitable drainage is employed to prevent surface water run onto the highway there is no objection to the proposal.
- 7.8 In terms of policy GP5 The relevant criteria of Policy GP5 state that development will only be permitted where:
- 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 42 and local protected habitats and species, and protecting features of importance for ecology.
- The applicant has submitted an emergent survey which has shown that no bats have been recorded. The Councils Ecology Officer has no objection to the proposal and requires details of any external lighting and details of replacement nesting opportunities due to the presence of sparrows and starlings at the site. Appropriate conditions to require this is suggested.
- 7.9 There is a protected tree sited on the north-west boundary of the site. This is far enough from the development to be affected, and a protective fence is proposed to be erected around the tree during construction works. The tree officer has stated that the ash tree

nearest the house ( T2 of Treecare Consulting's tree report April 2017 –not protected) is going to be far too close to the proposed retaining wall and house. If built according to the plan the severed tree roots would render the tree a danger to the new property. Therefore, the proposed house should either be moved further away from the ash tree or the tree should be removed . The applicant has agreed that the tree will be removed and a replacement tree shall be planted on completion of the works. The applicant has also agreed that the existing hedges shall be retained. They will be coppiced and supplemented with additional hazel in line with the tree officer s recommendations. The tree officer offers no objection to the scheme. The comments of the Landscape Architect are noted, various information as recommended be sought has been submitted. A condition requiring submission of a landscaping scheme is suggested.

7.10 Policy SP13 refers to planning obligations and in this instance as there is no net gain in the number of properties, such contributions are not required.

## **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 It is considered that it complies with policies of the LDP and guidance contained within the SPG on New Dwellings. It is concluded that the proposal is acceptable in terms of its design, appearance, impact upon the amenity of neighbours and in terms of highway safety. It is recommended that planning permission is granted with conditions.

## 10. RECOMMENDATION

### GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents 2088 PL02A, PLO3, PLO4, PLO5, PL07, PLO8

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

#### ***Pre- commencement conditions***

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

- dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition Activities;
- construction site compound;
- contractor parking and;
- wheel washing.

The development shall be implemented in accordance with the approved CMP.

Reason: In the interests of highway safety and to protect the amenities of nearby residents

#### ***Pre – construction conditions***

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

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

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

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

#### ***Pre – occupation conditions***

05 Prior to the first occupation of the dwelling hereby approved, the side windows in the north eastern elevation and first floor window in the south western elevation shall be obscure glazed and retained as such in perpetuity.

Reason: To protect the privacy of adjoining residents.

06 The parking spaces shown in drawing PL02A shall be provided prior to the occupation of the dwelling hereby approved and be kept available for the purposes of vehicle parking thereafter.

Reason: To ensure off street parking is provided at an adequate level.

**General conditions**

07 Full details of external lighting shall be submitted to the Local Planning Authority prior to the erection or installation of any external lighting on site, and the lighting shall then be installed fully in accordance with the details as approved. No other external lighting shall be installed without the prior consent in writing of the Local Planning Authority.

Reason: In the interests of protected species such as bats.

08 No window or door openings, other than those shown on the approved plan, shall be formed in the side elevations of the dwelling hereby approved.

Reason: To protect the privacy of adjoining residents.

09 Prior to the felling of the Ash tree hereby approved, full details of a replacement tree shall be submitted to and approved in writing by the Local Planning Authority.

Details shall include the position, species and size of the replacement tree. The replacement tree as approved shall be planted within the first full planting season (October to April) following the felling of the existing Ash tree.

Reason: To secure an appropriate replacement tree in the interests of the visual amenities of the area.

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: Tree Care Tree Information 4.2017Wildwood Pre,inary Roost assessment and Emergent Bat Survey.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP8, SP13, GP2, GP4, GP5, GP6, CE6, H4, H6 and T4 were relevant to the determination of this application.

03 Supplementary Planning Guidance – New Dwellings (Adopted August 2015) was relevant to the determination of this application.

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.

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.

---

---

## **APPLICATION DETAILS**

No: 17/0387                      Ward: **GRAIG**  
Type: Full  
Expiry Date: 19-JUN-2017  
Applicant: **N HALE THE OLD RECTORY, MACHEN, NP83 8SU**  
Site: **60, Pentre-poeth Road, Newport, NP10 8LL**  
Proposal: **DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS AND ERECTION OF A  
NEW DWELLING AND RELOCATION OF EXISTING SITE ACCESS**

### **1. LATE REPRESENTATIONS**

- 1.1 The applicant has submitted photographs of part of the internal sections of the building to example the poor state of repair. These can be viewed via the website [www.newport.gov.uk/planningonline](http://www.newport.gov.uk/planningonline)
- 1.2 A further letter of objection stating- in my opinion the proposals represent gross overdevelopment of the site and the destruction of one of the few remaining period properties in our road. Quite how the adjacent No 62A was ever granted consent beggars belief and the proposals for No 60 seem to present a further example of inappropriate and ill conceived design. Little real evidence is offered about the true structural condition of the existing house No 60, but a few cracks and general run down condition seems a very tame excuse to condemn this beautiful house to demolition. Many properties of that period had no proper foundations so that again is no justification for demolition. The comparative elevations showing the existing house outline, further demonstrate a significant increase in volume and height changing the form from two to three storeys which will compromise the amenity and outlook from those properties behind.
- 1.3 An additional response from a neighbour stating that the superimposed elevations clearly demonstrate neighbour concern with the size of the proposed building. The rear velux rooflights will overlook the rear garden as the ground level of the rear garden is at the same level as the finished house

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

- 2.1 Photographs of the state of repair of the building can be viewed on the website: [www.newport.gov.uk/planningonline](http://www.newport.gov.uk/planningonline).
- 2.2 With regards to the loss of a period property, as per paragraph 7.6 of the officer report, it states that the property is neither a listed building or located within a conservation area, there is no reason to resist its removal. The officer report goes to state that the replacement dwelling would be of a modern design and that "it's modern design is not considered to be at odds with the character of the area." This view is maintained.
- 2.2 Reference to the permission for a dwelling at 62A is not considered relevant to the determination of this application.
- 2.3 With regard to the increase in volume and height and its impact upon amenity and outlook, the relationship with neighbouring properties is assessed fully in paragraphs 7.3, 7.4 and 7.5. It is concluded that the proposal complies with policy and the impact upon neighbouring properties is acceptable.
- 2.4 With regard to concerns about the height of the property and loss of privacy from velux rooflights, as the officer report states, a distance of over 30m is achieved between the proposed dwelling and properties at the rear which complies with policy guidance which requires a minimum distance of 21m window to window. Also the sectional drawing shows that the base line of the roof light is at a height of 1.9m a height which is difficult to look out of.

### **3. OFFICER RECOMMENDATION**

- 3.1 Permission should be granted with conditions.



## **APPLICATION DETAILS**

**No: 4**                      **17/0364**                      **Ward: PILLGWENLLY**

**Type: FULL**

**Expiry Date: 06-JUL-2017**

**Applicant: MR THOMAS**

**Site: SPRING GARDENS CARE CENTRE, BELLE VUE TERRACE, NEWPORT, NP20 2LB**

**Proposal: REPLACEMENT BOUNDARY TREATMENT FRONTING ARTHUR STREET**

**Recommendation: GRANTED WITH CONDITIONS**

### **1. INTRODUCTION**

- 1.1 This application seeks planning permission for a replacement boundary fence to Spring Gardens Care Centre, Belle Vue Terrace, Newport. The proposed boundary treatment proposes higher railings atop the existing boundary wall, which would serve to increase site security for the benefit of the residents.
- 1.2 This application is brought before Planning Committee as it relates to a Council owned property.

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

90/0968	ERECTION OF A RESIDENTIAL CARE HOME FOR 34 RESIDENTS, DAY CARE CENTRE FOR 40 CLIENTS WITH ADMIN FACILITIES, PARKING AND ASSOCIATED WORKS	No objection.
---------	--	---------------

### **3. POLICY CONTEXT**

- 3.1 Policy GP2 (General Development Principles – General Amenity) states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
- Policy GP4 (General Development Principles – Highways and Accessibility) states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.
- Policy GP6 (General Development Principles – Quality of Design) states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

### **4. CONSULTATIONS**

- 4.1 No external consultation was undertaken.

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

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): No objection.

## 6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties that share a common boundary with the application site, and opposite, were consulted (8No. properties). No representations were received.

## 7. ASSESSMENT

- 7.1 The site has a dual frontage on to both Mendalgief Road and Arthur Street, whilst vehicular access is provided from Belle Vue Terrace. The frontage on to Mendalgief Road benefits from 1.4m high railings atop a 0.56m high wall, providing a boundary of 1.96m in height. However, the Arthur Street frontage only has 0.45m high railings atop an 0.85m high wall, providing a boundary with a total height of 1.3m.
- 7.2 This application proposes the installation of replacement railings and gates along the Arthur Street frontage for a total length of 67m. The height of the railings would be 1.11m high, atop the existing 0.85m high boundary wall, providing a 1.96m boundary to match the height of the existing boundary treatment fronting Mendalgief Road. The Arthur Street elevation also contains 3No pedestrian gates, which would have replacement gates installed of the same appearance and height as the railings. The railings proposed would have a similar appearance to those already facing Mendalgief Road. All gates and railings would be finished in black.
- 7.3 It is considered by officers that the proposed railings would result in an improved visual appearance to the Arthur Street street scene by proposing railings that relate to the existing railings on Mendalgief Road, which are more traditional and appropriate in their height, design and proportions, to the benefit of the visual amenities of the area. They would also provide enhanced site security for the benefit of the residents, especially since the site serves a care home.
- 7.4 Given the small scale nature of the proposed works and the isolated location of the railings relative to neighbouring properties across the street at a distance of approximately 20m, it is not considered that the proposed works would have a detrimental impact on local residential amenity by way of overbearing impact, loss of light or loss of privacy. The Council's Highways Officer has offered no objection to the application on grounds of highway safety or access arrangements.

## 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 Having regard to the aforementioned policies of the Newport Local Development Plan 2011-2026 (Adopted January 2015), officers conclude that the design and impact of the proposed replacement boundary treatment would be acceptable, and would benefit the local residents by improving site security with no detriment to highway safety. It is therefore recommended that planning permission is granted with conditions.

## 10. RECOMMENDATION

### GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents; NPS-00-00-DR-B-(00)-000 P1 Gate Details, NPS-00-00-DR-B-(00)-000 P1 Fence Details and NPS-00-00-DR-B-(00)-000 P1 Site Plan.

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

#### *NOTE TO APPLICANT*

01 This decision also relates to plan Nos: Site Location Plan, Design and Access Statement and Specification Sheet.

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

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

---

## **APPLICATION DETAILS**

**No: 5**                      **17/0425**                      **Ward: GAER**

**Type: FULL**

**Expiry Date: 29-JUN-2017**

**Applicant: MR A BUTTIGIEG**

**Site: 5, SHAW GROVE, NEWPORT, NP20 3JR**

**Proposal: RETENTION OF L SHAPED PIGEON LOFT**

**Recommendation: GRANTED WITH CONDITIONS**

### **1. INTRODUCTION**

- 1.1 This application seeks permission for the retention of an L shaped pigeon loft in the rear garden of the terraced property in the Gaer ward. Permission was previously granted for a pigeon loft in the same location however it has been replaced/alterd to form the current loft.
- 1.2 The application has been called to Planning Committee by Councillor Whitcutt.

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

04/1827	RETENTION OF PIGEON LOFT, SHED AND BOUNDARY FENCE	Granted with Conditions
---------	---	-------------------------

### **3. POLICY CONTEXT**

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

- Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
- Policy GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

#### **3.2 Supplementary Planning Guidance**

House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted August 2015).

### **4. CONSULTATIONS**

- 4.1 None.

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

- 5.1 HEAD OF LEGAL AND REGULATION (ENVIRONMENTAL HEALTH): No objection.

## **6. REPRESENTATIONS**

- 6.1 NEIGHBOURS: All properties with a common boundary were consulted (two addresses). One letter of objection was received.
- The erection of “another pigeon loft below the present I-shaped loft is most inconsiderate. I am now surrounded by pigeons and whatever window I look out of all I see is pigeon lofts and pigeons.”
  - The lofts at the top of the garden have been tolerated since 2005, but objects to the erection of the new one since all lofts overlook the garden of no. 4 Shaw Grove.
  - When the L-shaped loft is being cleaned the person wears a mask which tells you something about the dust and faeces which are being scraped up.
  - When the 2005 plans were granted for one pigeon loft and a garden shed the latter was converted into a pigeon loft. If planning permission is granted what guarantee is there that no additional alterations will take place as before.
  - Concerns over the ability to sell the neighbouring property.
- 6.2 COUNCILLORS: Councillor Whitcutt requested that the application be determined by Planning Committee on the following grounds:
1. The development is obtrusive and out of proportion to the footprint of the site.
  2. It contains around 60 pigeons or more, which are released regularly from 7 am each day through the day.
  3. It has an adverse effect on the amenity of the area in that this number of birds produces faeces in abundant quantities and constant noise.
  4. There are two ‘lofts’ which are frankly huge and dominate not only the garden of the owner but the surrounding properties.
  5. I understand that you have suggested to Mrs Langdon that the newer part is within the tolerances for permitted development. However, with respect you must surely take into account the larger ‘L’ shaped building which is the earlier construction for which planning permission is being sought. This would surely have already exceeded the permitted development tolerances.
  6. In all the circumstances of the case the tolerances for permitted development, do not I would suggest, countenance pigeon breeding on an almost industrial scale such as this.
  7. Concerns of the scale of development and cumulative impact.

## **7. ASSESSMENT**

- 7.1 The rear garden of the property is terraced with the loft located at the northern end of the garden at its highest level. Due to the layout of the surrounding estate, the loft is visible from the highway to the rear. An additional loft has recently been constructed on a lower level of the terraced garden and does not form part of this application.
- 7.2 Permission was granted under application 04/1827 for the erection of a pigeon left and shed. The new loft differs from that previously approved in that the shed at the rear boundary is larger and fully adjoins the other section of the loft. The alterations were undertaken in 2014.
- 7.3 The pigeon loft measures a maximum of 7.35 metres in length and 5.23 metres in width. Each section of the ‘L’ measures 2.45 metres in depth and measures 2.5 metres in height. It is constructed from timber with corrugated Perspex roof sheets and Perspex windows.
- 7.4 The previous loft measured 6.7 metres by 1.83 metres with a maximum height of 2.14m with the shed measuring 2.08 metres by 1.53 metres and a height of 2.14 metres.
- 7.5 One letter of objection has been received largely referring to the newer loft which does not form part of this application however raises concerns of overlooking and dust and faeces during cleaning. Councillor Whitcutt has also identified concerns regarding the scale of the development, noise and odour nuisance and the use of the loft for breeding on an ‘almost industrial scale’.
- 7.6 This application seeks permission for the retention of the pigeon loft (i.e. the operational development relating to the built structure) and does not include a change of use of the

land. It is not proposed to run a business or commercial pigeon breeding operation. Furthermore, the pigeon loft is being considered as a development incidental to the personal enjoyment of the occupants of the dwelling. A condition is attached to clarify that the application has been considered on this basis. If the pigeon loft is used at any time in the future in a manner that exceeds what is reasonably considered by the Council to be incidental to the personal enjoyment of the dwelling OR is used for business purposes, this would constitute a material change of use of the property that would require a separate planning permission. Therefore, in granting planning permission for the operational development, this does not prevent the Council from taking enforcement should the extent and nature of the use be considered to be both over and above what is reasonably within the personal enjoyment of the dwelling and harmful to the amenities of neighbouring residents.

7.7 It is acknowledged that the erection of a newer shed for the breeding of pigeons has increased the developed area of the rear garden, however it has been determined that the size of this building is considered to be permitted development and does not form part of this application.

7.8 It is considered that as the pigeon loft varies only slightly from the previously approved loft and shed, the proposed loft would not result in a significantly different impact to the amenity of surrounding occupiers over the previously approved loft and shed.

## **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 It is considered that the retention of the 'L' shaped loft would not result in an impact significantly different from the shed and loft erected under planning permission 04/1827 and would not therefore have an unacceptable impact on the amenity of surrounding occupiers or visual amenity.

## **10. RECOMMENDATION**

### **GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents: Loft Plan and Site/Block Plan.

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

02 The pigeon loft hereby approved shall only be used for purposes incidental to the personal enjoyment of the dwellinghouse.

Reason: In the interests of amenity of surrounding occupiers.

03 The pigeon loft hereby approved shall at no time be used for commercial or business use.

Reason: In the interests of amenity of surrounding occupiers.

### *NOTE TO APPLICANT*

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

02 House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted August 2015).

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

---

## **APPLICATION DETAILS**

**No: 6**            **17/0516**            **Ward:        LANGSTONE**

**Type:            CERTIFICATE OF LAWFUL USE(PROPOSED)**

**Expiry Date: 30-JUL-2017**

**Applicant:      MS ROBBINS**

**Site:             LANGSTONE COTTAGE, OLD CHEPSTOW ROAD, NEWPORT, NP18 2ND**

**Proposal:        CERTIFICATE OF LAWFULNESS FOR PROPOSED SINGLE STOREY REAR  
EXTENSION**

**Recommendation: GRANTED**

### **1.        INTRODUCTION**

1.1        This application seeks a Certificate of Lawful Development (Proposed) for the erection of a single storey rear extension at Langstone Cottage which is located within the Langstone Ward of Newport. The property is a mid-terraced dwelling set within a substantial curtilage, comprising of front and rear gardens.

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

2.1        No relevant site history.

### **3.        POLICY CONTEXT**

3.1        The applicant seeks a determination as to whether the proposed extension would constitute permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013. There has been no permitted development rights removed from this property.

### **4.        CONSULTATIONS**

4.1        None.

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

5.1        None.

### **6.        REPRESENTATIONS**

6.1        None.

### **7.        ASSESSMENT**

7.1        This application seeks a Lawful Development Certificate for the development of a single storey rear extension which would measure 4.00 metres in depth from the original rear wall of the dwellinghouse, 6.20 metres in width and would have a height to the eaves of 2.40 metres and 3.40 metres to the roof ridge.

7.2        The proposed extension, combined with any other extensions, outbuildings or raised areas would not exceed 50% of the total area of the curtilage. The height to the eaves of the extension would not exceed 3 metres and the height to the roof ridge would not exceed 4 metres. The proposed extension would not project more than 4 metres from the original rear wall of the original property and is proposed to be constructed from materials to match those of the existing dwelling.



7.3 It is considered that the proposed extension constitutes permitted development under Schedule 2, Part 1, Class A, of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)

## **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 It is considered that the proposed single storey rear extension constitutes permitted development, as defined by the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Therefore planning permission is not required and the issue of a Certificate of Lawfulness is recommended for this development.

## **10. RECOMMENDATION**

Reason: The proposed extension is permitted development in accordance with the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: Site Location Plan, (Received 30 May 2017), Proposed Plan, Elevations, Sections and 3D visuals (Received 30 May 2017)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

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

---

## APPLICATION DETAILS

**No: 7**                      **16/0317**                      **Ward: GRAIG**

**Type:**                      **FULL (MAJOR)**

**Expiry Date:**                      **27-JUNE-2017**

**Applicant:**                      **DANZOE LTD.**

**Site:**                      **LAND TO THE REAR AND NORTH OF 1 TO 16, RUPERRA CLOSE, BASSALEG, NEWPORT**

**Proposal:**                      **ERECTION OF 11NO. DWELLINGS, NEW ROAD, DRAINAGE, MAIN SERVICES AND ASSOCIATED WORKS (RESUBMISSION FOLLOWING WITHDRAWAL OF 15/0204)**

**Recommendation: REFUSED**

### 1. INTRODUCTION

- 1.1 This application seeks full planning permission for the construction of 11No. dwellings on the former railway sidings to the immediate north of Ruperra Close and Church Crescent in Bassaleg. A new roadway would be engineered from immediately adjacent to the Junction 28 Restaurant into the site and would extend for approximately 385m. Four of the dwellings would be semi-detached and 7No. would be detached. Parking provision is a mixture of on drive, integral garaging, attached garaging and detached garaging. 13No. parking spaces would be provided near the eastern end of the access road to provide parking for the Junction 28 restaurant, the Church and the Church Hall.
- 1.2 The access road will slope very gently uphill to the north west rising by approximately 2m. The land rises to the south west of the site towards Ruperra Close and Church Crescent. This rising ground consists of a wooded embankment which rises about 2m above the proposed road level. The embankment is shown as retained. Various elements of the woodland cover on the site are to be retained but the majority of the woodland cover on the site will need to be removed. The Woodland is protected under woodland TPO 04/2006 and covers the entirety of the application site.
- 1.3 The proposed dwelling types are:

Dwelling Type	No.	Form	Scale	Appearance & Description
Type 1	2	2 storey detached house	7.29m to ridge 4.88m to eaves 11.17m wide 7.7m deep	3No. bedrooms Prominent gable and front porch
Type 2	2	2 storey detached house	8.49m to ridge 4.88m to eaves 11.61m wide 10.57m deep	4No. bedrooms Prominent Front Gable & Canopy feature
Type 4	1	2 Storey detached house with attached single garage	7.48m to ridge 5.0m to eaves 9.12m wide 8.7m deep (including garage setback)	3No. bedrooms Porch Attached garage
Type 5	2	Semi-detached bungalow	6m to ridge 2.55m to eaves 12.26m wide 10.57m deep	3No. bedrooms Prominent front gable

Type 6	2	2 Storey semi-detached house	8.18m to ridge 4.83m to eaves 5.53m wide 8.29m deep	2No. bedrooms Porch
Type 7	2	Wheelchair accessible bungalow	5.7m to ridge 2.47m to eaves 11.2m wide 7.15m deep	2No. bedrooms
Detached Garage	3	Single garage	4.11m to ridge 2.5m to eaves 3.5m wide 6.8m deep	Pitched roof

## 2. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
89/0359	DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES (OUTLINE)	Refused 05 July 1991
15/0204	ERECTION OF 14 DWELLINGS, NEW ROAD, DRAINAGE, MAIN SERVICES AND ASSOCIATED WORKS.	Withdrawn 01 May 2015

## 3. POLICY CONTEXT

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

Policy SP1 identifies that proposals are required to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary.

Policy SP13 relates to Planning Obligations and that development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of its location.

Policy SP18 identifies that proposals will be favoured which assist the regeneration of the urban area, particularly where they contribute to: vitality, viability and quality of the city centre, provision of residential opportunities, and re-use of vacant land.

Policy CE3 refers to environmental spaces and corridors and such sites are recognised as having existing importance for their visual amenities, as wildlife habitats or for recreational or amenity purposes will be safeguarded.

Policy CE8 is relevant in relation to proposals affecting locally designated nature conservation sites.

Policy GP1 refers to general development principles designed to withstand climate change and reduce the risk to flooding.

Policy GP2 which aims to protect general amenity in terms of noise and disturbance, privacy, overbearing impact, light and visual amenities.

Policy GP3 development will be permitted where the necessary and appropriate service infrastructure exists and that there is sufficient capacity for the development within the public foul sewer and if not satisfactory improvements are provided by the developer.

Policy GP4 relates to highway and access and requires that development should provide access for pedestrians, cyclists, be accessible to main transport routes and provide cycle storage.

Policy GP5 seeks to protect the natural environment, including trees.

Policy GP6 seeks good quality of design in all development.

Policy GP7 refers to Environmental Protection and Public Health development will not be permitted which will cause risk to the environment, local amenity, health or safety.

Policy H2 states that residential development should be built to high standards of environmental and sustainable design, taking into account the whole life of the dwelling  
Policy H3 refers to Housing Mix & Density and seeks a building density of minimally 30 dwellings per hectare unless it can be shown that higher densities are inappropriate.  
Policy H4 refers to Affordable Housing and states that on-site provision of affordable housing will be required on all new housing sites of 10 or more dwellings within the settlement boundary, or 3 or more dwellings within the defined village boundaries.  
Policy T1 identifies that disused railway lines will be protected from development.  
Policy T4 states that development will be required to provide appropriate levels of parking, within defined parking zones, in accordance with adopted parking standards.  
Policy W3 requires appropriate waste storage facilities be provided in new developments.

#### **4. CONSULTATIONS**

- 4.1 YMDDIRIEDOLAETH NATUR GWENT / GWENT WILDLIFE TRUST: The trust objects to the proposal for the following reasons:
- There is not sufficient ecological information to inform the application.
  - The development would result in a loss of land designated as a Site of Importance for Nature Conservation (SINC) and as an Area of Semi-Natural Ancient Woodland (ASNW).
  - The development would result in the loss of semi-natural habitats and associated species.
  - The development would result in the loss of environmental space and accessible natural greenspace.
- 4.2 NETWORK RAIL: No objection in principle subject to comments on how the safe operation of the railway can be assured and noting legally assured access to network rail assets must be maintained in any approved scheme.
- 4.3 CYFOETH NATURIOL CYMRU / NATURAL RESOURCES WALES:
- 4.3.1 Flooding: The application site lies partially within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map, which is updated on a quarterly basis, confirms the site to be partially within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Ebbw, a designated main river.
- 4.3.2 We have reviewed the submitted Flood Risk Assessment prepared by Blackburn Griffiths Ltd dated 9th June 2016. We note the built element of the scheme is shown to be flood free during all events. We note that the flood risk is limited to the site access junction on Station Approach which floods during the 0.1% (1 in 1000 year) event. We note there is pedestrian access to the site from the housing estate to the southwest appears to be flood-free during all fluvial events, however, the FCA has not considered access and egress for Station Approach and no flood velocities or hazard rating are provided for comparison with TAN15. We do not normally comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users. We advise that any future site occupants should be made aware of the risk to the access near Station Approach to the south east of the site.
- 4.3.3 As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend that you consider consulting other professional advisors on the acceptability of the developer's proposals, on matters that we cannot advise you on such as emergency plans, procedures and measures to address structural damage that may result from flooding. We refer you to the above information and the FCA to aid these considerations.
- 4.3.4 Protected Species: We note that the bat report submitted in support of the above application has identified that bats were not using the application site. We therefore have no objection to the application from a species perspective.

- 4.4 DWR CYMRU / WELSH WATER: No objection subject to the application of planning conditions.
- 4.5 GWASANAETH TÂN & ACHUB DE CYMRU / SOUTH WALES FIRE AND RESCUE SERVICE: The developer should consider the need for the provision of:
- adequate water supplies on the site for firefighting purposes; and
  - access for emergency firefighting appliances.
- 4.6 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): Following submission of the parking survey and subsequent site visits I would make the following comments:

- It's clear that during busy times (Sunday lunch time) the area outside of junction 28 resembles a car park with vehicles looking to park on any available space. This continues down Station Approach to the junction with Caerphilly Road with vehicles continuously parked along one side of the road.
- I note that the applicant proposes to provide 13 off road parking spaces however I would suggest that this would not completely alleviate the demand for parking along Station Approach.
- As previously stated, the proposed site would be accessed via Station Approach which currently serves the Church Hall, Junction 28 and a small residential development St Basil's Drive. The applicant has correctly identified that the existing access route must be upgraded to an adoptable standard. It would appear that the applicant is proposing to provide a footway on one side for the first section of the road and then the highway will revert to a more standard layout of carriageway and footway on either side. Whilst plans have been previously submitted I would question the accuracy of these plans given that the applicant makes reference to accurate measurements having to be carried out on site.
- It should also be noted that an adoptable standard also relates to the provision of street lighting, drainage and approved construction specifications.
- An accurate proposed layout drawing must be submitted for Station Approach so that the suitability of the proposed access can be accessed.
- Parking should be perpendicular to the road which is not the case for spaces 1 - 11.
- How will servicing/delivery arrangements be maintained for Junction 28?
- Do we have an accurate layout plan which shows the proposed alterations to Station Approach in its entirety? I note in previous comments reference is made to some dimensions however they also state that some site checking of dimensions would be advisable as the survey does not include sufficient detail. In principle a 4.8m minimum wide carriageway could be acceptable however I will need to see an accurate proposed plan for consideration.
- My Comments regarding vehicles cutting across the access adjacent to Caerphilly Road and Viaduct Way are still valid.
- The proposed level of visibility for the access into St Basil's Drive must be submitted for consideration. Please note that this should be 2.4 x 43m in line with Manual for Streets.

5.2 HEAD OF STREETSCENE & CITY SERVICES (ECOLOGY): I object to the application based upon the following:

- Part of Garth Wood SINC (Site of Importance for Nature Conservation) which is Ancient Semi Natural Woodland (ASNW) will be lost as a direct result of this development;
- There is a 'good' population of slow worms on the site which means it should be considered for SINC selection. There was also a low population of common lizard and 1 adder recorded. The guidelines state that any site supporting a population of 3 or more reptiles should be considered. In light of this I would argue that the site meets the criteria for S3)Reptiles;
- 10 indicator species for neutral grassland have been recorded on the site and as such, in accordance with the guidelines the site can be classes as 'relatively species rich' as it contains more than 8 species from the list provided in the guidelines. Although this may not be consistent throughout the site, it does demonstrate that even without management the

site is relatively species rich and with appropriate management it could become extremely species rich;

- The site is a mosaic of various habitats including deciduous woodland, neutral grassland, scrub (it does contain several indicator species for calcareous grassland however it falls short by 4 species to be considered as a SINC). As stated in the Ecological Assessment (Section 5.2) the woodlands taken as a single habitat have a moderate-high ecological value. In accordance with the guidelines the following should be considered for section :  
“Any coherent site which represented at least three distinct habitat types where at least one is approaching Wildlife Site selection status in its own right ....”. This site does therefore meet the SINC criteria for H20) Mosaic Habitat.
- 2No. moth species, the Cinnabar moth and small heath were recorded on the site and in accordance with the guidelines the presence of these should be a consideration with regards to designating the site as a SINC;
- In addition to this section H22) Other features states:  
“Some linear features include disused railway lines, green lanes, roadside verges and old drove roads. While seldom supporting rare species, unmodified sections of linear features can be importance in providing long corridors of semi natural habitats, especially through built up areas and intensive agricultural landscapes, often linking together small sites which might otherwise be isolated”
- Looking at aerial photographs it is clear that this is a linear features that links to the wider countryside.
- With regards to the bat survey. The surveys were undertaken within a relatively close period of time and therefore provide only a limited snapshot of what the bat activity of the site might be. 3 trees were identified as having potential and 2 surveyors undertook an emergence survey on these trees. A single transect was walked twice, However, the report states that this was undertaken on the 18<sup>th</sup> July 2015 and 4<sup>th</sup> August 2015 the same time as the emergence surveys were conducted on the trees. Could I therefore seek clarification as to:  
a) when the transects were walked and;  
b) when the emergence surveys were undertaken.

In conclusion the site undoubtedly meets SINC criteria for several reasons. Aside from that, it provides a semi natural habitat among a relatively urban area that links to the wider countryside. Therefore I object to this application.

### 5.3 HEAD OF STREETSCENE & CITY SERVICES (TREES): Objects to the application.

The healthy trees are protected by a TPO, however, very little tree cover is shown as being retained.

The existing tree cover should be shown as an overlay on the proposed layout to clarify what is to be retained.

The above ground tree constraints also need to be fully considered in line with B.S. 5837:2012, for example the height, scale, potential canopy spread and shading patterns.

Detailed information is required regarding the suggested re-grading of the bank – how will this affect the trees? How is the roadway to be constructed without damaging the trees?

### 5.4 HEAD OF STREETSCENE & CITY SERVICES (DRAINAGE): The applicant has provided some additional information with regard to foul drainage. I am more concerned with Surface Water Drainage – and my initial point still stands. At current, more detail should be obtained for this. Should you wish to ‘discharge a condition’ for this I leave to you.

Whilst a ‘degree’ of testing has been undertaken for the purpose of using a soak way, this appears to be initial at this stage, and that further Site Investigation is required. I suggest this is undertaken to truly establish that soak ways are suitable, i.e. in accordance with BRE 365. Should you wish to ‘discharge a condition’ for this I leave to you.

### 5.5 HEAD OF STREETSCENE & CITY SERVICES (LANDSCAPING): I **object** to these proposals. The northern end is part of a TPO’d woodland; and that the site provides a

'green corridor' used by local residents for passive recreation; and that the site's wildlife value would be eroded.

- 5.6 PUBLIC PROTECTION MANAGER (CONTAMINATION): The site was formerly occupied by railway sidings meaning conditions to deal with contamination are necessary.
- 5.7 PUBLIC PROTECTION MANAGER (NOISE): No objection subject to conditions being applied to deal with railway noise and vibration.
- 5.8 HEAD OF REGENERATION, INVESTMENT & HOUSING (HOUSING STRATEGY): I can confirm that the affordable housing proposed addresses the prevailing housing need for this area and meets the required Welsh Government standards. The proposal is for the units to be transferred to a Registered Social Landlord zoned to develop in Newport at a price of 50% of ACG. The properties will be allocated through the Common Housing Register in accordance with City council policy.
- 5.9 HEAD OF REGENERATION, INVESTMENT & HOUSING (PLANNING POLICY): The proposed development is acceptable in principle, but an objection is held until the applicant can prove the access and egress is not adversely affected by the flood risk to that site. In addition the development must satisfy relevant policies and concerns raised by expert advice in respect of flooding, noise, highways and the protected woodland.
- 5.10 HEAD OF REGENERATION, INVESTMENT & HOUSING (SECTION 106 OFFICER): The following contributions are requested:
- Affordable Housing - 2 x 3 bed bungalows and 2 x 2 bed houses at 50% of the Welsh government's Acceptable Cost Guidelines;
  - £32,230 for Pentrepoeth Primary School;
  - £31,175 for Bassaleg High School;
  - £49,973 for off-site play at Fort View and Cowshed Lane;

## **6. REPRESENTATIONS**

### **6.1.1 NEIGHBOURS:**

All properties within 50m of the application site were consulted (137 properties), a site notice was displayed. 24 objections were received raising the following points:

- Future occupants will be adversely affected by railway noise
- Loss of wildlife habitat.
- Loss of mature trees
- Adverse impact on character and appearance
- Loss of connectivity with other woodland areas to the detriment of bio-diversity
- Trees reduce pollution from the main road
- Bats forage in the area
- The site contains many bird species and small mammals
- The site is subject to a Tree Protection Order
- Lack of need for the housing (other sites are being built out in the area)
- The proposal limits opportunities to improve rail transport to Machen
- Unacceptable impact on local infrastructure
- Loss of ancient semi-natural woodland adjacent to Garth Wood,
- The junction of the access road with Viaduct Way is inadequate and an accident hazard
- Disruption during the construction phase would be unacceptable
- Bassaleg is already too big
- Local services (schools and doctors) are overburdened
- Station approach is overly busy and heavily parked, additional traffic from the development will make things worse.
- Additional vehicles will have an adverse impact on air quality
- The wood is a valued green space and provides a safe outdoor play area for children and recreation for adults.
- The site is of SINC quality for wildlife and bio-diversity
- The site is prone to flood risk
- The reptile survey is likely to be inadequate



- The southern boundary trees should be retained as a flight route for bats
- Lighting should be controlled in the interests of bats
- Roads pass through the root protection areas of some retained trees
- The site qualifies as an 'environmental space'
- The Tredegar Arms roundabout cannot cope with additional traffic
- The site is too small to be developed
- The road network in the general area is overburdened

And then a further 19 representations (following re-consultation), raising the following additional points as well as re-iterating some of the above points:

- Any works in Station Approach should not damage the walls to the church yard since they are Grade II listed.
- The site is not allocated in the NLDP for housing.
- Protected trees on the site have been felled.
- It is not clear if Station Approach can be brought up to acceptable standard including footways and lighting.
- Adverse impact on outlook (not a planning matter).

6.1.2 A petition was submitted with 16 signatures objecting for the following reasons:

- Disruption caused by construction
- Loss of privacy for all residents overlooking the site
- Increased disturbance to the residents of Church View due to the location of additional parking for the Junction 28 Restaurant
- Loss of habitat & the amenity provided by the woodland
- Station Approach is already heavily parked and cannot accommodate additional traffic especially if there are weddings or funerals at the church

6.2 COUNCILLOR CORNELIOUS: The site is deciduous woodland and is currently protected by TPO 01/2006. Part of the site is ancient woodland. This is a feature that cannot be replaced / replicated in a generation or more, therefore it is a valuable site in ecological terms.

A survey of the site indicates that the site has many ecological features which are native to British natural woodland.

Part of the site is in a defended floodplain which makes the site vulnerable to flooding.

If planning were allowed, there would be a loss of visual amenity and natural woodland which would take generations to replicate elsewhere.

It is considered that there are rare birds, bats plants and other insect species within the woodland. Permission to build would destroy these habitats.

The access road to the site is a narrow col-de-sac and would become very difficult / dangerous if there was a flood. (River Ebbw) This access road also serves the Bassaleg Church hall, and a well-known local restaurant. This road becomes very congested at times with people parking at times when both these establishments are being used by the public.

I wish to speak at the planning meeting when this application is considered.

I trust that for all the above reasons this application will be refused.

6.3 GRAIG COMMUNITY COUNCIL

The Community Council strongly objects to this development on the following grounds:

- The North West of the proposed site is part of a SINC with woodland in excess of 400 years old. The rest of the site would also qualify as SINC due to the mosaic of habitats it offers and should be treated accordingly. The Community Council feels this site should be protected at all costs.

- The trees on the proposed site are protected by a TPO which must be observed especially in light of the above comment.
- This area is a wildlife corridor in a semi-urban setting, which to the North adjoins the boundary with land on a 999 year lease to my Community Council. Our land is kept as open space and part woodland for residents to enjoy and as a wildlife habitat. This development would directly affect the wildlife we encourage on our land, and have an effect on the residents of the village who use our open space for leisure activities.
- My Council fully supports the residents of Graig, and feel a much better use for this area would be to turn it into a woodland park which could link up with Community Council owned land already being used to the North of the site as a recreational area. This would be of benefit to residents, wildlife and the future ecological stability of the area.
- My Council agrees with all the comments made by the Gwent Wildlife Trust and also believes the surveys carried out are not adequate.
- Station Approach is a non-standard width road which would be unable to cope with the increase in traffic generated by this development.
- The supporting road infrastructure to this proposed development is at breaking point (e.g. Forge Road, Bassaleg roundabout, the mini roundabout at the Tredegar Arms Pub & Caerphilly Road). The development would mean an increase of vehicles on roads that are already massively under strain from the general increase in traffic in recent years.
- Local services are also at saturation point such as schools and GP services.
- The removal of trees at this site increases the risk of flooding and this is identified in the submitted documents as C1 risk.

## 7. ASSESSMENT

7.1.1 The proposal is for a development of 11 dwellings including houses and bungalows on an area of historic railway sidings in Bassaleg to the north east of Ruperra Close and Church Close. The dwellings will be strung along a new access road that will trend north westwards from by the Junction 28 restaurant into the site. The site runs parallel to the railway line to Machen. The site lies within the urban boundary so the principle of development is acceptable subject to wider policy compliance. Although having been part of the railway estate in the past and within the urban area the land is not considered to be previously developed since the sidings have *'blended into the landscape over time so that they can reasonably be considered part of the natural surroundings'* (Figure 4.4 of Planning Policy Wales 9). The site should be considered to be greenfield. The site is protected by a Woodland TPO and the western end of the site is adjacent to an area of woodland which is a Site of Importance for Nature Conservation (SINC) and an area of Ancient Semi-natural Woodland (Graig Wood). For clarity the revised application does not infringe on the designated SINC / Ancient Semi-natural Woodland although the initial submission did infringe on these areas.

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

- Impact on woodland interests and Character & Appearance
- Impact on ecology
- Flooding
- Highway Issues
  - Parking & Servicing for Junction 28
  - Parking for the Church Hall
  - Bringing Station Approach up to adoptable standard
  - The junction between Station Approach and Caerphilly Road / Viaduct Way
- The amenity of occupiers (railway noise & vibration) – acceptable separations and amenity space.
- Section 106 agreement

7.1.3 Minor Issues

- Housing land supply
- Contamination
- Drainage

## 7.2 Impact on Woodland Interests and Character & Appearance

- 7.2.1 The site is protected by a woodland TPO (04/2006/W1). A woodland TPO protects all the trees within the wood including those that regenerate naturally. There is no definitive legal definition of what a tree is but in general terms it is a common sense judgement. Within a woodland, smaller trees are certainly protected even if they are not especially meritorious as individual specimens. Section 198(1) of the Town & Country Planning Act states that:

*If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.*

Technical Advice Note 10 (Trees) further advises at Paragraph 15 that:

*TPOs should be used to protect trees and woodlands whose removal would have a significant impact on the environment and its enjoyment by the public. Protected trees or part of them, should normally be visible from a public place or from a reasonable number of neighbouring properties’.*

- 7.2.2 As such there is general power to protect trees and woodlands and this is to be done in the interests of protecting general amenity and even elements of private amenity. This can be considered to be in this instance as visual amenity and would be linked to the character and appearance of the wider area. However there is currently no explicit claim by the applicant that the woodland is lacking in merit and is underserving of the protection conferred by the TPO. However this may be inferred by the applicant’s claim that the ‘best’ trees within the woodland will be retained as part of the scheme and will continue to make a contribution to wider amenity. The submitted layout drawings are clear that the overwhelming majority of the site will be cleared of trees including the existing embankment that rises up to Ruperra Close / Church Road which is to be re-graded at an angle of not more than 30 degrees. These works will significantly diminish / remove any scope for tree retention along the embankment and the layout drawing shows the embankment as being cleared for the most part. Indisputably the scheme will change the appearance of the area from a wood (as it appeared at the time of the initial site visit, prior to the amended scheme being submitted) to an area of housing with some isolated tree retention. It should be noted there is no public access to the site which is private property. However in terms of public views to the site it can be seen from Station Approach which provides access to Bassaleg Church, Bassaleg Church Hall and the Junction 28 restaurant and as such is busier than might be expected for a small cul-de-sac. Clear views of the site are available from Rhymney Way and Viaduct Way on the other side of the railway and there are good views available from Public Right of Way 393/106/1 which runs from Church Crescent to Russell Close via Garth Wood.
- 7.2.3 Garth Wood, the application site and other woodland along the banks of the Afon Ebwy / River Ebbw are classed as Accessible Natural Greenspace. This is not a planning designation and does not automatically mean that these spaces can be accessed by the public but it does mean they are considered to make a contribution to general well-being by being visible to the public and contributing to general amenity which is a planning consideration. The Accessible Natural Greenspace designation supports the idea that the woodland contributes to local amenity and is meritorious as a TPO. The western part of the site is classified as an Ancient Semi-natural Woodland (Graig Wood). Planning Policy Wales Edition 9 (PPW9) states at Paragraph 5.2.9 that such sites are ‘*irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage*’. The revised proposal does not impinge on this part of the site (the initial submission did) and so the revised proposal does not have an adverse impact on the Ancient Semi-natural Woodland and a 10m buffer zone between the house on Plot 11 and the retained woodland is proposed. The buffer could be protected from further development, curtilage buildings for example, by condition.
- 7.2.4 In terms of adopted local policy the NLDP, Policy GP5vii requires proposals not to result in the unacceptable loss of or harm to trees and woodland that have wildlife or amenity value. As a TPO’d woodland the site implicitly has amenity value and given the very significant

loss of woodland cover it is concluded that this policy is not complied with, the loss being unacceptable and harmful to amenity.

7.2.5 The application site is not identified as Environmental Space in the NLDP constraints plan, although the adjacent and contiguous Garth Wood is so identified. That said Policy CE3 (Environmental Spaces) is not restricted to identified spaces only and allows for non-identified sites that '*have existing importance for their visual qualities, as wildlife habitats or for recreational or amenity purposes will be safeguarded as Environmental Spaces & Corridors*' to be treated as Environmental Spaces. Given the site's identification as a TPO'd woodland and as an Accessible Natural Greenspace it has clear amenity value in visual terms (but not for recreation) and can be considered to be an Environmental Space and as an Environmental Corridor (because it links to Garth Wood and other adjacent wooded areas along the river). As such Policy CE3 is considered to be engaged in this instance. In terms of that Policy, the development will not improve or complement the existing environmental qualities of the site. The Ecology Officer advises that the site meets SINC criteria (Site of Importance for Nature Conservation) whilst not be designated as a SINC in its entirety. However this means that Part ii of the Policy is not met since there would be an adverse impact on a site with local nature conservation interest. In terms of Part iii of the Policy the loss of the amenity resource has not been justified by a local over-provision or by demonstrating that the qualities of the site can be enhanced by the development. This latter point normally applies to recreation sites such as pitches which can see retained facilities up-graded if part of the site is allowed to be developed. That is not the case here.

7.2.6 The proposal does not comply with NLDP Policy CE3.

7.2.7 Policy GP2ii (General Amenity – character & appearance) requires that the proposed development '*will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding areas*'. The loss of the woodland would be detrimental to the visual amenities of nearby occupiers and would have an adverse impact on the character and appearance of the surrounding area. Policy GP2 is contravened.

7.2.8 On conclusion the removal of the greater part of the woodland would be contrary to Policy. Planning Policy requires a consideration of the amenity of the woodland in its entirety rather than seeking to protect the best specimens within that woodland alone. Given consideration of the woodland in terms of its visual amenity and its contribution to local character and appearance the proposal is not acceptable.

### 7.3 Impact on ecology

7.3.1 The western part of the site lies within the Graig Wood SINC, the revised scheme will not infringe on the designated SINC. The applicant has submitted an 'Extended Phase 1 Habitat Survey' for the site dated August 2015. This study summarises the site as being '*a mosaic of habitat types including neutral grassland, scrub and deciduous woodland*'. The Report concludes that the site would qualify as a Site of Importance for Nature conservation (SINC). In more detail the Survey states the following:

- The area of Ancient Woodland at the north western end of the site meets SINC criteria, the rest of the woodland does not, (it should be noted this part of the woodland is a designated SINC);
- The areas of grassland within the site are borderline for meeting SINC criteria;
- The areas of scrub within the site meet SINC criteria;
- As an assemblage of habitats the site meets SINC criteria;
- As a reptile habitat the site meets SINC criteria;
- As an invertebrate habitat the site meets SINC criteria (cinnabar moth / small heath butterfly);
- No badger activity or bat roosts were identified on the site. Bat activity within the site was low.

7.3.2 The Ecology Officer has objected to the application primarily because of the findings of the Phase I Habitat Survey namely that the entire site is of SINC quality in ecological terms. She also notes that the woodland acts as a linear connecting feature which will tend to enhance its ecological value.

7.3.3 The Gwent Wildlife Trust also object to the proposal noting that the north western part of the site lies within a SINC (Garth Wood) and is an ancient semi-natural woodland. The Trust further notes that the entire site is of SINC quality. The Trust also raises the connectivity point noting that this site whilst not supporting species such as badgers, bats and dormice might provide foraging habitat for them and their use of the site may have been missed. The Trust recommends further bat surveys.

7.3.4 In policy terms NLDP Policy GP5 (Natural Environment) requires the following criteria (among others) to be met:

*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 U.K., Welsh and/or Newport Biodiversity Action Plans;*

*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;*

*v) there would be no unacceptable impact on landscape quality;*

*vi) the proposal includes an appropriate landscape scheme, which enhances the site and the wider context including green infrastructure and biodiversity networks;*

*vii) the proposal includes appropriate tree planting or retention where appropriate and does not result in the unacceptable loss of or harm to trees, woodland or hedgerows that have wildlife or amenity value.*

7.3.5 The proposal does not meet criterion i of Policy GP5 since it will not protect and encourage bio-diversity and ecological connectivity. It does not meet criterion ii since adverse impacts on bio-diversity are not avoided, nor are they shown to be mitigated and nor is any compensatory habitat offered up. The loss of the mosaic of habitats on the site has not been shown to be acceptable given the site has an identified (and agreed) ecological value, criterion vii is not met. Part of the site is a designated SINC and an Ancient Semi-natural Woodland but under the revised scheme this part of the site would not be developed.

## 7.4 Flooding

7.4.1 Part of the application site, the very bottom part of Station Approach lies within floodplain C1 (defended floodplain). The applicant has submitted a flood consequences assessment (FCA) which shows that the junction would be flood free in the 1 in 100 year flood allowing for climate change. In an extreme event (1 in 1000 year) the maximum depth of flooding would be 1.05m. The applicant claims to be unable to provide details of speed of inundation, flood duration or water velocities. CNC/NRW note the deficiencies of the FCA but do not object since the residential part of the site will be flood free and a pedestrian access will be in place either via Saint Basil's Church out to Caerphilly Road or via the footpath to Laurel Road. As such a dry route (albeit non-vehicular) will be available at all times even if the lower reaches of Station Approach should flood and be unavailable for a significant but currently unknown time period. As such flooding is not considered to be an impediment to granting planning permission. Policies GP1i (climate change) and SP3 (flood risk) are complied with.

## 7.5 Highway Issues

7.5.1 Highway issues can be broken down into:

- Parking & Servicing for Junction 28 and the Church / Church Hall
- Bringing Station Approach up to adoptable standard
- The junction between Station Approach and Caerphilly Road / Viaduct Way

7.5.2 The applicant has proposed providing 13 additional parking spaces which would be provided along the access road into the new housing development. These would serve the Junction 28 restaurant and potentially provide parking for the Church and the Church Hall in addition to the existing parking within the general environs of the those facilities currently. A

condition could require a management scheme for these spaces to make sure they remain available for public use. Although slightly divorced from the restaurant this would be a benefit of the scheme and the parking could be secured by planning condition. In essence the servicing arrangements will remain the same as currently for the restaurant and there is no reason to think additional vehicle movements along Station Approach would prevent the servicing of the restaurant.

- 7.5.3 The applicant has also suggested that works should be completed in Station Approach to improve that road. Currently Station Approach is unadopted but it does consist of a metalled highway bounded by the Church Yard wall on one side and an 'Armourguard' type railing on the other side. There is no footway and no streetlighting. The proposal is to provide footways along the road from the junction with Caerphilly Road / Viaduct Way towards the Junction 28 restaurant. This will significantly narrow the road and in all probability prejudice the on-road parking that is currently available.
- 7.5.4 It is clear that at busy times the parking for the restaurant spills down Station Approach as far as the junction with Caerphilly Road / Viaduct Way. Any narrowing of the highway will likely restrict the free flow of traffic and lead to conflict as vehicles seek to negotiate the narrowed road. The road is very likely to remain heavily parked at busy times for the restaurant further adding to issues of traffic conflict since the road will be narrowed further by parked vehicles even should they mount the pavement (which would be undesirable in itself). As such the proposal will increase the vehicle movements on Station Approach whilst leading to its narrowing and increasing the prospect of traffic conflict. The application site is 'tight' to Station Approach and offers no prospect of the overall carriageway width being widened in order to accommodate new footways. The Highways Section raise concerns over the accuracy of the submitted drawings noting that reference is made to accurate on-site measurements being made. As such the highway's Officer has asked that accurate drawings be provided to assess the impact on Station Approach. So far no additional drawings have been submitted.
- 7.5.6 The scheme as submitted raises significant concerns over the impact on Station Approach in relation to its narrowing of the carriageway available to motor vehicles. It is possible that the applicant does not make any changes to Station Approach leaving it in its current arrangement on the argument that the road can currently absorb the additional vehicle and pedestrian movements generated from 11 dwellings. An alternative pedestrian route would be available via the Church yard or via the footway along Saint Basil's Drive and out to Laurel Road although both of these routes would require pedestrians to use a 'shared surface' to initially access these footways. The Highways Officer is reluctant to suggest this shared surface approach given the geometry of Station Approach since it is straight, relatively wide (as it currently stands) and hard surfaced. None of these characteristics are likely to lead to the slow speeds and cautious approach required of drivers on shared surfaces and it cannot be assumed there will be no or few pedestrians just because an alternative route is available. As such this 'shared surface' approach to Station Approach would not be supported by the Council's Highways advisors and consequently such an approach has not been sought from the applicant. The Highways Section also express concern over the junction between Saint Basil's Drive and Station Approach since it has not been demonstrated that the visibility splays required by Manual for Streets can be achieved.
- 7.5.7 In conclusion the planning application will lead to an unacceptable narrowing of Station Approach and will likely lead to conflict between vehicles seeking to negotiate Station Approach. The applicant has not provided any information sufficient to offset these concerns. The application is contrary to NLDP Policy GP4i since appropriate access for pedestrians cannot be provided. It is contrary to Policy GP4v and vii since access arrangements are not suitable or safe and the development would be detrimental to highway and pedestrian safety.
- 7.5.8 The Highways Section has also expressed concern over the current junction arrangement between Station Approach / Caerphilly Road / Viaduct Way. The applicant has suggested changes to the junction which are considered acceptable and could be conditioned if permission were to be granted.

## 7.6 Railway Noise & Vibration

7.6.1 The site is adjacent to the railway line that serves Machen quarry. The line is currently unused but use could recommence at any time. The Public Protection Manager advises that subject to conditional controls noise and vibration from the railway can be acceptably mitigated. Policy GP7 (Environmental Protection and Public Health) can be complied with in relation to railway noise and vibration. Network Rail does not object but draws attention to various issues that might affect the retained railway estate. None of these issues would amount to a reason to withhold planning permission.

## 7.7 General Amenity

7.7.1 The proposed scheme provides suitable levels of amenity for future occupiers in terms of outdoor recreational space, gardens are adequate in size and there would not be any harmful level of overlooking or overshadowing. There is sufficient on-plot parking either on outside drives or in garages. The proposed houses are of acceptable design and details of the external materials can be controlled by condition. Layout and separation distances are sufficient to protect privacy for future and adjacent occupiers. Relevant policies are complied with in relation to these issues.

## 7.8 Section 106 agreement

7.8.1 The Section 106 Officer has advised that the following contributions are required:

- 4 affordable dwellings (2No. 2 bed bungalows & 2No. 2 bed houses) at 50% of the Welsh Government's Acceptable Cost Guidelines;
- £32,230 for Pentrepoeth Primary School;
- £37,175 for Bassaleg High School;
- £49,973 to upgrade play provision at Cowshed Lane and Fort View;

7.8.2 The Housing Manager confirms that the affordable housing provision made by the applicant is acceptable. The other 'Heads of Terms' were forwarded to the applicant's agent but have not been agreed at the current time.

7.8.3 In the light of this the submission also fails to offer the S106 contributions required to mitigate the identified harms caused by the development. This makes the proposal unsustainable and contrary to Policy SP13 (Planning Obligations) of the adopted NLDP.

7.8.4 Section 122 of the CIL Regulations give the following legal tests for planning obligations to be valid:

*(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is;*

*(a) necessary to make the development acceptable in planning terms;*

*(b) directly related to the development; and*

*(c) fairly and reasonably related in scale and kind to the development.*

The advice in Welsh Office circular 13/97, Planning Obligations also remains extant.

7.8.5 The site is in the Graig Ward. The most current Local Housing Market Assessment shows that Ward needs 30 affordable dwellings per annum of the following types:

Bedrooms	1	2	3	4+	Total
Annual affordable Housing Need in Graig	21	5	3	1	30

The provision of 2No. 2 bedroomed houses would meet an identified affordable housing need in the Graig Ward and meets the relevant statutory tests.

7.8.6 The education contribution sum is derived from the Council's adopted Supplementary Planning Guidance 'Planning Obligations' August 2015. Section 16 of that advice

references relevant statute and policy and identifies Policy SP13 (Planning Obligations) of the adopted NLDP as the local policy that supports the provision of contributions. In essence the SPG identifies that where 5 or more dwellings are to be provided then education contributions will be sought where 'surplus capacity' in pupil numbers is identified as arising from the development. The required sum is formula based with costings based on the actual cost of delivering educational facilities.

7.8.7 In terms of leisure facilities contributions are sought if the net gain of dwellings is 5 or more with the contribution being offsite if the gain is between 5 and 15 dwellings, as is the case here. The SPG identifies average occupancy for various housing types. These come from the 'Fields in Trust' standards and are further considered in the adopted Supplementary Planning Guidance 'Outdoor Play Space Provision' (January 2017). Section 7.2 of that SPG notes that contributions are calculated on the current costs of providing and maintaining various types of leisure space. These costs are detailed at Appendix 4 of the SPG. Appendix 1 of the same SPG identifies shortfalls in leisure provision by Ward. Graig has a shortfall in all categories of open space.

7.8.8 The identified sites for upgrade are at Fort View and Cowshed Lane. Fort View is an area of informal open space (a grassed area with some trees and hedges) which also contains an area of equipped play. Fort View is located approximately 700m walk from the application site along quiet suburban roads. Cowshed Lane is also an area of informal open space with some areas of equipped play. It is approximately 600m walk from the application site and involves crossing the A468 (Caerphilly Road) but a light controlled crossing is available opposite the park. Both sites are proximate to the development site and on the balance of probabilities would be used by future residents. As such a leisure contribution for these sites is justified.

#### 7.9 Housing land supply & House Building Requirement

7.9.1 Newport currently has a Housing Land Supply of 5.9 years which exceeds the Welsh Government's target of 5 years. Policy SP10 (House Building Requirement) envisages that windfall sites such as this one will make a contribution to the identified House Building Requirement for the plan period alongside sites with planning permission and those allocated within the plan.

7.9.2 This site could make a small contribution to that housing requirement. However the existence of a sufficient housing land supply within the Local Authority Area means that this unexpected housing provision can be given little weight in terms of housing need. Refusing this application will not prejudice the SP10 House building requirement (windfall sites) in any meaningful way. Refusing Planning Permission will not contravene Policy SP10.

#### 7.10 Contamination

7.10.1 The site is former railway sidings so some level of ground contamination can be expected. The Public Protection Manager advises that conditions could deal with this issue if planning permission was granted and so contamination is not a reason to withhold permission.

#### 7.11 Drainage

7.11.1 The Drainage Manager is satisfied that a condition could appropriately deal with surface water drainage on the site.

#### 7.12 Other Issues raised

7.12.1 There is no reason to think the development will have an unacceptable impact on air quality or that local services (other than those identified in the S106 Heads of Terms) will be adversely impacted in an unacceptable way if the development were to proceed. Other than in relation to Station Approach there is no evidence that the development would have an unacceptable impact on the general highway network.

#### 7.13 Planning Balance



7.13.1 The site lies within the urban area so the principle of housing development is acceptable subject to conformity with other plan requirements. The principle benefit of the scheme is 11 dwellings, including 4 affordable dwellings. However there are in-principle objections in relation to the loss of the woodland and the negative impact this will have on the character & appearance of the area and the associated harm to ecological issues. Under this proposal those harms cannot be mitigated. Additionally the scheme has not been shown to be acceptable in highway terms and does not currently make the S106 contributions necessary to offset harm to local services in the form of education and leisure provisions. Overall the balance of the decision is strongly against granting permission with the scheme's benefits being significantly outweighed by the harms.

## **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 planning balance weighs against the granting of planning permission and the application should be refused.

## 10. RECOMMENDATION

### REFUSED

01 Character & Appearance: The proposal would have an unacceptably adverse impact on the visual amenity of the area and of neighbouring occupiers by the removal of large portions of the existing mosaic of habitats including woodland and is contrary to policies GP2 and CE3 of the adopted Newport Local Development Plan 2011-2026.

02 Ecology: The proposal would have an unacceptably harmful impact on the ecological value of the application site which is of SINC quality by the removal of the existing mosaic of habitats and is contrary to Policy GP5 of the adopted Newport Local Development Plan 2011-2026.

03 Highways: The proposal would have an unacceptable impact on the free flow of traffic and highway & pedestrian safety in Station Approach and appropriate visibility splays have not been shown to be achievable at the Saint Basil's Drive / Station Approach Junction. The proposal is contrary to Policy GP4 of the adopted Newport Local Development Plan 2011-2026.

04 S106 Obligations: Section 106 contributions necessary to offset the adverse impact of the proposal on local services (affordable housing, education and leisure provision) have not been agreed making the proposal unsustainable and contrary to Policy SP13 of the adopted Newport Local Development Plan 2011-2026.

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos:

- Design & Access Statement (Rev. A) (April 2016)
- Drawing 2122/02 E – Proposed Site Plan, Layout
- Drawing 2122/03 A – Proposed Site Plan, Upgrade of Station Approach
- Drawing 2122/05 – Suggested individual Tree & Tree Groups to be retained in the Tree Report
- Drawing 2122/06 – Tree Survey overlaid onto Proposed Layout
- Drawing 2122/11 – Type 2 Plans & Elevations 7P4B detached Plot 8
- Drawing 2122/12 A – Type 5 Plans & Elevations 5P3B Detached Bungalow Plots 6 & 7
- Drawing 2122/13 A – Type 4 Plans & Elevations 5P3B, detached House – Plot 11
- Drawing 2122/15 A – Plan & Elevations to Detached Garages
- Drawing 2122/17 Plots 1&2 – Type 7 Plans & Elevations 3P2B Semi-detached Wheelchair Access Bungalow
- Drawing 2122/18 – Type 6 Plans & Elevations 4P2B, Semi-detached House, Narrow Frontage
- Drawing 2122/20 – Type 1 Plans & Elevations 6P3B – detached – Plot 9
- Drawing 2122/21 – Type 1 Plans & Elevations 6P3B detached Plot 10
- Drawing 2122/22 – Type 2 Plans & Elevations 7P 4B detached Plot 5
- Drawing 2757 150 A – Vehicle tracking, Refuse Vehicle, Sheet 1
- Drawing 2757 151 XX – Vehicle Tracking Refuse Vehicle, Sheet 2
- Drawing 2757 151 – Vehicle Tracking – Refuse, Vehicle Sheet 2
- Drawing 2757 152 B - Vehicle Tracking – Refuse, Vehicle Sheet 3
- Drawing 2757 153 B - Vehicle Tracking – Refuse, Vehicle Sheet 4
- Drawing 2757 200 B – External Works Layout, Sheet 1
- Drawing 2757 201 C – External Works Layout, Sheet 2
- Drawing 2757 202 External Works Layout, Sheet 3
- Drawing 2757 155 – Access to Existing Properties
- Drawing 2757 156 A – Junction Detail
- Drawing 2757 210 – Long Sections Sheet 1
- Drawing 2757 211 A – Long Sections Sheet 2
- Drawing EJA\SA\001A – Topographical Survey Land off Station Approach Bassaleg
- Un-numbered drawing - Site Location Plan, Scale 1:2500

- Parking Survey (email from Tim Worsfold; 22/08/2016 10:13)
- Email from Tim Worsfold 28/07/2016 16:02
- Flood Consequences Assessment (Blackburn Griffiths Limited 09/06/2016)
- Bat Activity & Tree Assessment (August 2015)
- Extended Phase 1 Habitat Survey Ecological Assessment Report (August 2015)
- Reptile Survey Report (July 2015)
- B.S.5837 2012 Tree Information (02/11/2016)
- *Macro Invertebrate Survey report* (July 2015)
- NVC Survey (Grassland) (August 2015)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP13, SP18, CE3, CE8, GP1, GP2, GP3, GP4, GP5, GP6, GP7, H2, H3, H4 , T1 , T4, & W3 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.

---

