

Report

Planning Committee

Part 1

Date: 6 September 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.

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

Risk	Impact of risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect?	Who is responsible for dealing with the risk?
determination, with costs awarded against the Council			unreasonably.	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: 17/0520 **Ward:** **BEECHWOOD**

Type: FULL

Expiry Date: 05-SEP-2017

Applicant: T EVANS

Site: 90, HEATHER ROAD, NEWPORT, NP19 7QX

Proposal: **CHANGE OF USE FROM POST OFFICE (USE CLASS A1) TO HOT FOOD TAKEAWAY (USE CLASS A3)**

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks consent for the change of use from post office (Use Class A1) to Hot Food Takeaway (Use Class A3) at 90 Heather Road.
- 1.2 The property is an end unit of a three storey block, with commercial uses at ground floor and residential units are located directly above.
- 1.3 The unit is currently vacant and has been for approximately five months. It was last used as a Post Office.

2. RELEVANT SITE HISTORY

None.

3. POLICY CONTEXT

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

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

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.

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 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.

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

3.2 *Parking Standards SPG*

The Parking Standards SPG sets out details of parking requirements the Council will seek for all types of developments.

4. CONSULTATIONS

- 4.1 None.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): In accordance with the Newport City Council parking standards, a hot food takeaway will generate a demand for short stay parking in an area where on street parking appears to be limited and heavily used. That being said, the existing lawful use as (A1 retail) would generate a similar type of parking demand given that there is no existing off street parking provision, and therefore there would be no change. I would however question whether the opening hours for the retail and takeaway are comparable in terms of whether the takeaway would be open later than the retail premises when demand for on street parking would likely be higher.
- 5.2 HEAD OF LAW AND REGULATION (NOISE) or (POLLUTION): Offers no objections to the proposals subject to conditions relating to opening hours, fume extraction and noise insulation.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties within 50m of the the application site were consulted (53no properties) and a site notice was displayed. 13no responses received objecting to the proposals on the following grounds:
- The hot food takeaway is a fire risk to neighbouring properties and businesses;
 - The extraction equipment will be noisy;
 - The takeaway will result in increased litter which will encourage vermin;
 - There are already issues with gangs of children hanging around and the takeaway will result in anti-social behaviour;
 - There are already takeaways on Caerleon and Chepstow Road and takeaways should not be encouraged when healthy eating is being promoted;
 - Heather Road is very busy in terms of traffic and the proposed takeaway will exacerbate this to the detriment of highway safety and residential amenity;
 - The proposal will result in odours;
 - The closure of the Post Office was a great loss to the area and a similar type of shop would be more suitable;
 - Staff, customers and delivery vehicles will park at the rear of the premises using allocated parking provision;
 - The existing A1 use is in keeping with the densely populated residential area.
- 6.2 COUNCILLOR DEB DAVIES: Raises concerns about the proposed change of use due to noise and smell from extraction equipment, increased noise and litter and increased traffic and parking demand.

7. ASSESSMENT

- 7.1 Whilst the premises is one of a parade of commercial units and is adjacent to a public house, the character of the area is predominantly residential. The other commercial uses include a hair salon, a news agents and a beauty salon. There also appeared to be vacant units during a recent site visit. Whilst no precise details of fume extraction have been provided as part of this application, being an end unit it is likely that it would be installed on the side elevation of the property where there are no windows. No external alterations are proposed other than the extraction equipment.

7.2 *Amenity*

Due to the close proximity of residential properties and other commercial uses, the impact on residential amenity and the character of the area needs to be carefully considered. Whilst the parade is not a retail centre and therefore the A1 uses within it do not benefit from specific policy protection, the vitality and vibrancy of the commercial units is important to the amenity of neighbouring residents and the character of the area. As noted above, during a recent site visit it was evident that there were a mix of uses including a news agent's, a hair salon and a beauty salon. There were no existing A3 uses. There were also vacant units within the parade and it is not considered that the proposed A3 use would result in an over-concentration of such uses in the vicinity and the vitality of the parade would not be jeopardised. To the contrary, the re-use of this vacant unit is considered to be of benefit to the vitality of the commercial units and the general character of the area.

- 7.3 Turning to residential amenity, 13no responses have been received from neighbouring residents objecting to the change of use. One of the concerns cited in several of the objections relates to anti-social behaviour which neighbours advise is an existing problem within the area and they are concerned it would be exacerbated by the change of use. The Community Safety Wardens advise that they have received complaints about anti-social behaviour in the area in the past and in particular drug dealing and underage drinking taking place to the rear of the shops. The existing parade of units is likely to act as a hub and meeting place for members of the public and this will include youths and it is evident from the information provided by the wardens that there have been instances of anti-social behaviour. However, there is no evidence to suggest that anti-social behaviour is directly related to A3 uses, or that there would be an increase in anti-social behaviour as a result of the proposed change of use. A3 uses are not the cause of the report anti-social behaviour in this case.
- 7.4 Whilst A3 uses can result in customers having to wait around whilst their food is prepared and there would undoubtedly be some associated noise and disturbance from the general comings and goings of customers from car engines and car stereos etc. This must be considered with regard to the fall-back use of the premises as a retail shop with unrestricted opening hours which would quite feasibly result in similar noise and disturbance. The comings and goings of people in the daytime and evening may defer anti-social behaviour as this commonly occurs when businesses are quieter and surveillance is more limited.
- 7.5 The proposed hours of use would be between 12pm to 9pm Monday to Saturday and the premises would be closed on a Sunday. As such, the proposed use would not generate noise or disturbance late into the evenings. The opening hours of the premises can be controlled by way of planning condition. It is considered reasonable to restrict the opening hours between 9am and 9.30pm in order allow for customers and staff to vacate the premises whilst not impinging on neighbouring amenity.
- 7.6 Fumes from the cooking of hot food on site would be dealt with by the proposed extract flue and serve to protect local residential amenity. Further details of this system can be controlled by condition and the Head of Law and Regulation (Environmental Health) offers no objections to the proposals subject to conditions. A condition is also requested requiring that prior to the first use of the premises as a hot food takeaway, a scheme of sound insulation works to the floor/ceiling structure between the ground floor unit and the first floor residential unit is submitted to the LPA for approval.
- 7.7 The Council refused an application in 1993 for the change of use of no. 82 Heather Road to a hot food takeaway. However, it was noted within the body of the report accompanying the application that the proposal would result in late night noise and disturbance, as well as odour. Given the limited hours of operation proposed in relation to the current application, it is not considered that the proposals would result in such disturbance and being an end unit it is also considered that suitable fume extraction can be provided without impinging on residential amenity.

7.8 **Parking**

The unit does not benefit from off-street parking, with the only parking provision for patrons of the commercial units being on-street on Heather Road. The neighbouring and Councillor objections relating to parking and highway safety are duly noted. However, the parking demand created by the existing A1 use must be considered and the proposed use is not considered to generate a greater demand. The service requirements of both the existing A1 use and the proposed A3 use are also considered to be comparable with deliveries of goods required for both uses. In response to the proposals the Head of Streetscene and City Services states:

In accordance with the Newport City Council parking standards, a hot food takeaway will generate a demand for short stay parking in an area where on street parking appears to be limited and heavily used. That being said, the existing lawful use as (A1 retail) would generate a similar type of parking demand given that there is no existing off street parking provision, and therefore there would be no change.

7.9 The Head of Streetscene and City Services has questioned whether the existing retail unit is restricted in terms of opening hours and officers have confirmed that it is not. Given the fall-back use of the premises and that the proposed use is not considered to result in a worse impact, the proposals are acceptable in regard to highway safety and amenity.

7.10 ***Health and Safety***

Objections have been received on the grounds that the takeaways should not be encouraged due to health implications. The impact of development proposals on health is a material consideration. However, as noted above there are no other A3 uses within the parade and it is not considered that there is an over-supply of such uses within the area. It is not considered that the proposal will have a significant impact upon health or have a demonstrable effect upon healthy eating.

7.11 Objections have been received on the grounds that the proposed A3 use is a fire risk, in particular to the residential properties above. However, the LPA has no regulatory powers in this regard and it is covered by separate Building Control Regulations.

7.12 ***Litter***

Neighbouring residents and Councillor Davies have objected due to concerns about increased litter. A3 uses can result in litter due to the packaging that the food is sold in being discarded. However, the existing A1 use is likely to result in similar litter issues. There are already several bins to the front of the commercial units but in addition to this the applicant advises that staff will routinely collect and dispose of rubbish outside the unit that is generated by the business. However, this good practice cannot be reasonably conditioned or enforced by planning. However, to encourage neighbourly waste disposal, it is considered to require a scheme for the disposal of customer waste and the provision of bins within the property and near the property that will be the responsibility of the operator.

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 whilst there is existing anti-social behaviour in the vicinity of the site, 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 Subject to suitable conditions it is considered that the proposal is acceptable.

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

10. RECOMMENDATION

GRANTED WITH CONDITIONS

Pre- commencement conditions

01 Fumes from the food preparation areas shall be mechanically extracted and the extraction system shall be provided with de-greasing and de-odorising filters. Details of the extraction equipment (including scaled schematics, location plans, odour & noise attenuation measures and future maintenance) shall be submitted to and approved in writing by the Local Planning Authority prior to its installation, and the equipment shall be installed in accordance with the approved details prior to the commencement of use for the cooking of food.

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

02 Prior to the first beneficial use of the premises as a hot food takeaway, full details of a scheme for the disposal of customer waste shall be submitted to the Local Planning Authority and written approval received. The scheme shall include details of the provision of bins within property and near to the property. The business shall be operated in accordance with the approved details thereafter.

Reason: To ensure that litter from the premises is adequately dealt with in the interests of the amenity of the area.

Pre –occupation conditions

03 Prior to first occupation, a scheme of sound insulation works to the floor/ceiling structure between proposed A3 use and first floor residential units shall be implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter in perpetuity.

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

General conditions

04 The hours of operation shall be restricted to between 9am to 9.30pm Monday to Saturday. The premises shall be closed on Sundays. Outside of these hours the premises shall be vacated and closed to the public.

Reason: In the interests of the amenities of occupiers of adjoining properties.

05 The premises shall be used for hot food takeaway and for no other purpose (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: In the interests of neighbouring amenity and the character of the area.

NOTE TO APPLICANT

01 This decision relates to the following plans: P7436/OS/001 and P7436/E-P/001.

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

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

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

APPLICATION DETAILS

No: 17/0070 **Ward:** GRAIG

Type: FULL (MAJOR)

Expiry Date: 07-JUL-2017

Applicant: T EDWARDS, CLEAROUT UK LTD

Site: CROES-CARN-EINON FARM, HOLLY LANE, NEWPORT, NP10 8RR

Proposal: CHANGE OF USE TO WASTE TRANSFER STATION (AFFECTING FOOTPATH 393/89/1)

Recommendation: REFUSED WITH DELEGATED POWERS TO UNDERTAKE ENFORCEMENT ACTION

1. INTRODUCTION

1.1 The application seeks retrospective consent to retain the use of a building and land at Croes Carn Einon Farm as a waste transfer station. The information contained within the application states that the total site area of the waste transfer station measures approximately 0.11 hectares (1120 sq.m.).

2. RELEVANT SITE HISTORY

7176	Change of use of farm building to restaurant	Granted with Conditions 31/03/1980
1/15796	Erection of an agricultural dwelling (outline)	Refused 22/12/1987
1/17624	Conversion of outbuilding and extension to restaurant to form reception area, lounge and motel accommodation	Refused 19/09/1989
90/0762	Conversion of outbuildings into a holiday unit	Granted with Conditions 07/12/1990

3. POLICY CONTEXT

3.1 Adopted Newport Local Development Plan 2011-2026 (NLDP)

Policy SP1 Sustainability favours proposals which make a positive contribution to sustainable development.
Policy SP5 Countryside limits development outside of the settlement boundary.
Policy SP8 Special Landscape Area restricts development that may impact on the characteristics of the six designated Special Landscape Areas.
Policy SP20 Waste Management ensures that waste is recovered or disposed of without harming the environment, whilst also meeting stringent waste related targets. It supports additional waste treatment facilities in accordance with the 'waste hierarchy' and 'proximity principle'.
Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
Policy GP4 General Development Principles – Highways and Accessibility states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be

detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.
Policy GP5 General Development Principles – Natural Environment states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.
Policy GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.
Policy GP7 General Development Principles – Environmental Protection and Public Health states that development will not be permitted which would cause or result in unacceptable harm to health.
Policy T2 Heavy Commercial Vehicle Movements states that developments which generate heavy commercial vehicle movements will be favoured in locations which have access to a railway line, wharf or dock. Where this is not appropriate, locations accessible to strategic and principal routes will be favoured. Elsewhere, such development will be resisted.
Policy T4 Parking states that development will be expected to provide appropriate levels of parking.
Policy T7 Public Rights of Way and New Development states that any public footpath, bridleway or cycleway affected by new development will require retention or provision of a suitable alternative. Provision of additional routes and linkages with the existing network will be sought.
Policy W2 Waste Management Proposals promotes development of sustainable waste management facilities providing that the proposal would not result in unacceptable harm to nature and conservation; flood risk can be managed; the proposal is of high quality design; there is no impact on amenity through noise, pollution etc; the proposal does not result in any risk to human health; traffic generation is managed appropriately; the need for disposing the type, quantity and source of waste is assessed against the requirement being established.

HEAD OF REGENERATION AND REGULATORY SERVICES (PLANNING POLICY)

Overall the proposal for waste transfer station is considered consistent with policy objectives to improve waste infrastructure provision in Newport and the wider region. However, its location in the countryside raises concerns on highway and sustainability grounds contrary to criterion vi of Policy W2 and the requirements of Policy T2. Limited justification has been provided to support the facility's countryside location, although it is acknowledged the proposal is contained within an existing cluster of buildings and does not encroach further into the countryside. Amenity, landscape and nature conservation issues also need to be addressed and satisfied.

4. CONSULTATIONS

4.1 NATURAL RESOURCES WALES

We have no objection to the proposed development. On the basis of the information provided, we offer the following advice in relation to the proposal.

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

Our comments above only relate specifically to matters included on our checklist Natural Resources Wales and Planning Consultations (March 2015) which is published on our website. We have not considered potential effects on other matters and do not rule out the

potential for the proposed development to affect other interests, including environmental interests of local importance.

4.2 WELSH WATER

Sewerage

As the applicant intends utilising a cesspit facility we would advise that the applicant seeks the appropriate advice from the Building Regulations Authority or an Approved Inspector. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application.

4.3 FIRE SERVICE

Has stated that the developer should consider the need for the provision of:-

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

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS)

I have fully considered the additional information submitted by the applicant in support of the application.

The proposed use is an industrial one not a rural use which should be located in an industrial area that is easily accessible to major transport routes.

The site is located between Pentrepoeth Road and Holly Lane both of which are narrow rural lanes especially Holly Lane which is single lane with few passing places and are unsuitable for the proposed use. The wider highway network giving access to major routes are also rural in nature with no footways and Penylan Road passing Bassaleg High School.

The number, type and size of vehicles associated with the proposed use is still not clear ranging from an 18 ton skip loader, 3.5 ton transit van and 35 ton vehicle to 2 17.5 skip loaders, 2 transit vans and a 35 ton vehicle. Additionally the confirmed traffic movements range from 20 commercial vehicle movement to 6-8 movements.

Access onto the highway network also gives rise to highway safety concerns due to significant substandard visibility when egressing.

Taking the above into consideration I must object to this application.

5.1 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPING)

I have no comments on this application. The Footpath runs parallel with the access track and to the site. As long as there is no vegetation clearance around the building then the impact on the footpath users will be minimum.

5.2 HEAD OF STREETSCENE AND CITY SERVICES (PUBLIC RIGHTS OF WAY)

There is a PROW footpath running to the south and west of the site. The reference number for this footpath is 393/89/1. There is also a PROW restricted by-way to the north of the site. The reference number for this is 393/8/1. The following points should be noted:

1. All PROWs (as shown on the Definitive Map) have to remain completely unobstructed and must be clear and available for safe public use at all times (including during construction works – unless a temporary closure/diversion order is applied for and granted beforehand);
2. The PROW users must not be endangered or disadvantaged in any way by the proposals;
3. The fabric of the PROWs must not be adversely affected in any way;
4. PROW users must be protected from any vehicles/machinery associated with this application. The potential conflict should be risk assessed and managed accordingly.

5.4 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY)

I do not object in principle to the application but have two queries. 1-The Working plan document states that lighting will be installed at all times. I would require further details of this as this could have a negative effect upon foraging species such as bats; 2-There are trees close to the proposed site, are these proposed to be removed?

5.3 HEAD OF LAW AND REGULATORY SERVICES (PUBLIC PROTECTION)

There are a number of factors that should be clarified to ensure the obvious potential for a range of public health and pollution related concerns for example noise, dust, odour, litter, run off from leakages, pest control etc. from the proposed activity which, as the applicant describes, is a change of use to waste transfer involving the manual sorting of mixed waste are appropriately managed. The working plan indicates that the nearest residential property is approximately 250m away.

Environmental Health have received complaints regarding burning/bonfire on the site, therefore I recommend a condition is applied.

In the NRW response to the application there is confirmation that the application is for the retention of a waste transfer station in an attempt to regularise the change of use. The NRW offer no objections to the proposal providing the applicant, in addition to any grant of planning permission, ensures all relevant permits/consents are obtained relevant to the development.

In the supporting documentation, for example, the Environmental risk assessment and the working plan for the Materials Recycling/Recovery Facility (MRF) there is reference to a number of potential public health and pollution related concerns and an indication of how these may be addressed. However, some clarity is missing on how this will happen for a number of factors. For example, there are various times of opening stated in the information to support the application.

- In the application form itself the proposed opening hours for sorting transfer waste state Mon-Fri 7:30-6:30 (which I believe should read 18:30), Sat 07:30-12:30 with the proposal for the site to be closed on Sunday and Bank Holidays.
- In the Environmental Risk Assessment supporting the application the opening times stated are Mon-Fri 07:00-17:30 and Sat 07:30 to 12pm
- In the working plan for the MRF dated Dec 2015 indicate the facility will operate within the following limits subject to the appropriate planning consent namely Mon-Fri 08:00-17:00 (except for public holidays), Saturday 08:00-13:00 with only emergency and maintenance activities on Sunday and Bank Holidays.

The working plan states that the site is designed to store and separate wastes so that waste types may be segregated and usefully used or recycled. However, procedures for acceptance, baling, storage and export of pre-sorted recyclable materials are currently the subject of an exemption from licensing and will continue as an exempt activity. The segregated materials will be stored in clearly identified bays within the identified bays within the licence in readiness for export for re-use

It appears that from the information provided should planning consent be granted some areas of the proposed activity on site will be subject to a license whilst other areas of the proposed activity will be exempt. It would therefore be appropriate to ensure the proposed activity is suitably conditioned to manage the potential pollution and public health related concerns.

Recommendations

I would therefore recommend the following conditions be attached to any planning permission granted:

1. Hours of operation for the site should be between 08:00-17:00 on Monday to Friday, 08:00 – 13:00 on Saturdays and the site should be closed on Sundays and Bank Holidays.

2. There shall be no burning of any material, at any time within the boundary of the site.
3. A written plan should be submitted to and agreed in writing with the local planning authority to confirm how dust and odour from the proposed activity will be controlled so that it does not impact on neighbouring properties.
4. A written plan should be submitted to and agreed in writing with the local planning authority to confirm how pests/vermin from the proposed activity will be controlled.
5. A written plan should be submitted to and agreed in writing with the local planning authority to confirm how litter from the proposed activity will be controlled.
6. A written plan should be submitted to and agreed in writing with the local planning authority to confirm how run off and spillages from the proposed activity will be managed so that it doesn't contaminate water courses and groundwater

HEAD OF STREETSCENE AND CITY SERVICES (DRAINAGE)

Whilst the applicant has advised that surface water from the site will be managed/disposed of via a soakaway, no details have been provided for such a proposal. I therefore suggest that further information is provided, such as porosity tests (BRE 365), soakaway design and overall drainage design.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties within 100m of the the application site were consulted (6 addresses), 2 no. site notices displayed and a press notice published in the South Wales Argus.

Responses have been received from 48 addresses and a further 19 responses were received without a postal address. All representations received object to the proposal and have been amalgamated and summarised as follows:

1. Detrimental to Highway/Pedestrian safety, including impact upon a Public Footpath and enjoyment of the walking/rural experience
2. The potential capacity of the waste being dealt at the site is 74,999 tonnes is deemed excessive with pressure for expansion
3. Inadequate consultation has been undertaken
4. Adverse impact upon amenity, the environment and human health/well-being (Noise, Air Pollution – dust, fumes and smells/odours, Ground Pollution – contamination, inadequate drainage increase in litter/fly tipping, vermin/pests).
5. Adverse impact on biodiversity and wildlife
6. Poor design and adverse impact on visual amenity and the landscape
7. Inappropriate development and out of character with the area due to being in the countryside, within the Green Wedge and loss of agricultural-grade land
8. Contradictory information submitted within the application with regards to opening times, types of vehicles used and the type of materials being processed at the site.
9. The site is operating without planning permission, the applicant has not complied with previous consents and not being regulated
10. Damage to the fabric of public highway by large vehicles
11. No benefit to the community with few jobs created by the proposal
12. Risk of fire
13. Cllr. Williams has an interest in the application
14. Other sites in more industrial areas would be more suitable for this proposal
15. Incompatible use and not in keeping with the adjacent The Farmers Daughter restaurant

6.2 COUNCILLORS:

Cllr. M. Cornelious

I wish to strongly object to the above application. The Farm is situated off Pentrepoeth Rd, Bassaleg. This road is used extensively by pupils from Bassaleg School to go to and from school. Pentrepoeth Rd is a narrow country road with no pavement where it can be very difficult for two vehicles to pass. At the bottom of the road where it emerges on to Caerphilly Rd, Bassaleg, there is a row of terraced cottages. These cottages do not have garages, and therefore cars are parked at the roadside. This means that at this point two vehicles going in opposite directions cannot pass. I feel that this would be a great danger for school pupils. I have been shown tree damage by local residents where it is said that lorries have damaged trees. I have been told by other residents that on occasions they are

disturbed by noise of activity going on over night at the site. For all the above reasons I trust that this application will be refused. Can I please put in a request to speak at the planning meeting when it is considered.

Cllr. D. Williams

You may be aware that this application is on part of my wife's family farm. Although she has no part in this application and derives no benefit from it whatsoever it would be inappropriate for me to comment on it in any way.

6.3 MICHAELSTON-Y-FEDW COMMUNITY COUNCIL

This application borders Michaelston-y-Fedw Community Council and the Graig Community Council area. Michaelston-y-Fedw Community Council objects to the planning application for retrospective permission for a waste transfer station at Croescarneinon Farm on the following grounds:

1. The site is situated in open countryside with access only via country lanes i.e. Penterpoeth Road or Penylan Road. The former is a residential road with little or no pavements, is used by school children on route to Bassaleg School and also by local residents, also there is a weight restrictions of 7.5T. It is also used extensively by cyclists as it is a designated cycle path, Sustrans Route. The latter, Penylan Road, is a safe route to school and bypasses a school entrance, again this road/lane is narrow and unsuitable for the large vehicles.
2. There does not appear to have been any environmental or traffic assessment. The projected traffic movements based on the proposed annual tonnage of 74,999 would involve multiple traffic movements along what are country lanes. If Penylan Road were to be used, then the final approach would be by Holly Lane which is totally unsuitable for heavy traffic. Both Holly Lane and Penylan Road are extensively used by horse riders, there are nearby stables and riding school.
3. The application claims consultation with neighbours and a leaflet drop. This has not happened.

6.4 GRAIG COMMUNITY COUNCIL

My Council most strongly objects to this proposal on the following grounds:

- i) Both access routes to the site are unsuitable. One is a residential road/lane (Pentrepoeth Road) which is very narrow in most places, and has little in the way of pavements or safe havens for pedestrians. The road is well used by schoolchildren as a main route to school, and by pedestrians. This route has already been damaged by skip vehicles which have eroded the road surface and damaged a lamp post due to the narrowness of the road. The second route (Penylan Road) is a safe routes to school zone and bypasses a school entrance, again this road/lane is narrow and unsuitable for the large vehicles this business already generates. To date, Pentrepoeth Road is the main road used by the vehicles.
- ii) The application is non-specific and contradictory, opening times vary as does the stated materials being recycled.
- iii) Councillors are local residents and have not received any leaflets nor seen any advertising claimed on the application form.
- iv) There has been no traffic or environmental assessment.
- v) There has been no interaction with the community or schools.
- vi) Pentrepoeth Road, the main access route has a weight restriction of 7.5 T. The maximum capacity stated on the application is 74,999 tonnes per annum. This could see an average of 250 tons of material being transported to the site each working day. This is a potential 50 trips along these roads (both to, and then from the site) where there is very little opportunity to pass each other safely.
- vii) Following the non-compliance of previous applications in 2005 and 2009, together with the fact that planning laws and regulations have been, and are being ignored again at present, my Council has no confidence that the management and monitoring of waste will be correctly administered.
- viii) Lorries are being observed travelling to the site at late as 7.30pm and travelling well above the speed limit.

- ix) There are very strong objections by local residents.
- x) Contained in the planning decision of application number 05/0636 the proposal was only allowed under conditions. Condition (2) states that the surrounding road network is unsuitable. Please see attached.
- xi) Council asks that prior to a decision being made, a site visit is conducted which includes both access routes, namely Pentrepoeth Road and Penylan Road.
- xii) This proposed development will have a detrimental effect on the country routes (footpaths, rights of way and lanes) in the area which are very popular and enjoyed by walkers, cyclists and trekkers on horseback. There are a number of riding schools in the area and the surrounding lanes are well used for exercising horses, and for rambling and cycling trips.
- xiii) The development is on the same plot and in very close proximity to a popular restaurant (the Farmer's Daughter).

Graig Community Council were approached by local residents and requested to hold a public meeting to discuss this application. This meeting was held on 22nd March 2017 and despite very short notice, was attended by 64 residents, all of whom were strongly opposed to this development. Resident's concerns were discussed, a copy of the meeting notes can be viewed on the Documents Library page of Graig Community Council's website at graiccc.co.uk. Residents were advised to lodge their own objections individually to the City Council, and in excess of 70 objections have been lodged to date. The Community Council urges that the Planning Committee members please visit the site and all access routes prior to forming a decision.

7. ASSESSMENT

- 7.1 The application seeks retrospective consent to retain the use of a building and land as a waste transfer station. The information contained within the application states that the total site area of the waste transfer station measures approximately 0.11 hectares (1120 sq.m.).
- 7.2 The site forms part of a larger complex of buildings, derived from a series of pitched-roof structures of an agricultural appearance and predominantly finished in grey metal sheeting. The frontage of the site resembles a typical farm yard, lacking any significant hardstanding and accessed via a well-worn farm track based on compacted soil with a grassed central strip.
- 7.3 Technical Advice Note 12 (TAN12): Design (2016) states:
(2.2) The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales – from householder extensions to new mixed use communities.
- 7.4 It is considered that this proposal does not promote good design due to the adverse impact that the development has upon highway/pedestrian safety.
- 7.5 The application site lies within the countryside and, as such, the proposal is considered against Policy SP5 of the adopted Newport Local Development Plan (NLDP). This policy seeks to ensure where development takes place in the countryside the use is appropriate, respects the landscape and biodiversity and is in accordance with national guidance. The site is not located within a Green Wedge or Green Belt.
- 7.6 Planning Policy Wales (PPW) establishes the national policy context for development proposal. With specific regards to this particular scheme, there is also Technical Advice Note 21: Waste (TAN21) which assists the Authority in determining planning applications of this nature.
- 7.7 A guiding principle of TAN 21 is the protection of human health and the environment. This requires Local Planning Authorities to ensure waste facilities are located without adversely affecting the countryside, places of special interest and amenity. PPW seeks to support and rural diversification and enterprise schemes that assist the rural economy; however, no significant evidence on this point has been submitted to form part of the justification for the rural location of this proposal.

- 7.8 Waste facilities are more commonly found in industrial sites and in broad terms, such locations tend to have good parking, access and transportation links and less impact upon amenity, human health and the environment. This is reinforced by Policy W1 of the NLDP which states that “all allocated, permitted and existing B2 industrial sites are identified as potentially suitable locations for new waste management facilities subject to detailed assessments”.
- 7.9 Notwithstanding the above, planning policy does not explicitly resist waste proposals, in principle, from being located in the countryside and this is the case with regards to this proposal when assessed against Policy SP5 of the NLDP. The proposal however must comply with national planning policy, which when referred to PPW and TAN21, there are a number of planning considerations which are particularly relevant to waste transfer stations.
- 7.10 Whilst this proposal is located outside any urban or settlement boundary, the development is contained within the existing curtilage and does not encroach further into the countryside or on agricultural-grade land. The submitted block plan indicates that sorting and storing of waste will be contained within an existing building (approximately 329 sq.m.) and in an external yard for container storage, covering an area of approximately 305 sq.m.). An additional portacabin is also used as a site office with a limited area for staff car parking.
- 7.11 TAN21 defines Waste Transfer Stations as facilities which receive for bulking into larger containers prior to onward transport to a point of treatment, disposal or reprocessing. This definition is considered to be consistent with the description provided within the supporting documentation of this application. The submitted Waste Policy Statement notes that the facility will sort through and prepare the material to be taken to appropriate recycling facilities.
- 7.12 All sorting activities would take place indoors within the unit and is known as the Materials Reclamation Facility (MRF). Half of the internal space is used for manually storing waste on a hardstanding floor and the other half used to store waste in containers. Each sorted waste product would be transported off-site to other facilities which specifically cater for that material/product for recycling or disposal.
- 7.13 The document titled “Waste Policy Statement” explains that “the site is designed to store and separate wastes, so that waste type might be segregated and usefully used or recycled. The principle objective of the site is recovery of recyclables from mixed waste streams and this will be achieved using a combination of manual and mechanical sorting. Having passed through the process, the waste streams may be subject to further operations to assist in the storage, transportation and recycling of the wastes. Such operations include wood shedding or chipping. Each of the operations constitutes a treatment where there are no resulting changes in the chemical composition of the wastes.
- 7.14 The “Waste Policy Statement” itemises the types of waste products could be sorted at the site. These generally include paper, cardboard, plastic, glass, wood, concrete, bricks, tiles, stone, gravel/crushed rocks, soil, construction/demolition wastes, various metals and mixed municipal waste.
- 7.15 The “Waste Policy Statement” states that the activities undertaken at the site “do not involve the processing of any contaminated materials. However, in order to recognise the potential unregistered/accidental presence of contaminated materials within the waste processed at the facility, the site has been designed to protect the underlying groundwater from any potential polluting discharges, by the full containment of materials within the recycling building. Any water coming into contact with waste materials within the building will be controlled, managed, collected, stored and removed from the site for disposal at an appropriate facility”.
- 7.16 In this regard the facility aims to facilitate the reduction and recycling of the waste collected. In broad terms, the proposal is considered to be in accordance with the overarching principles of the waste hierarchy set within TAN21.
- 7.17 In order to achieve sustainable waste management, an integrated and adequate network of waste disposal and recovery facilities should also be established. Paragraph 1.13 of

Planning Policy Wales (PPW) notes that this 'network' should include all necessary supporting waste management facilities such as waste transfer stations and processing facilities. Whilst PPW acknowledges that not all Local Authorities should be self-sufficient in terms of the network, there is an expectation that all areas should be prepared to accommodate infrastructure to support the development of an integrated and adequate network including any supporting infrastructure such as transfer stations. Similarly the transfer station facilitates waste being dealt with at the nearest appropriate installation, with the waste being transferred to recycling and processing operations in the region.

7.18 Having a range of waste facilities is generally supported in planning policy, with the provision of an integrated and adequate network forming a key principle of this. In this respect, the provision of a waste transfer station, in principle, is considered to be consistent with the strategic waste related objectives of PPW and Policy SP20 of the NLDP.

7.19 Waste Management Proposals also have to meet detailed development considerations set out in Policy W2 of the NLDP, PPW and TAN 21. Paragraph 4.61 of TAN 21 states "planning issues to consider in relation to these types of development include, but are not limited to: suitable highway access for the type and volume of vehicle movements, mitigation of noise and odour and that suitable bunds and impermeable surfacing is provided to ensure that there is no pathway to sensitive receptors such as ground water as well as the impact on communities and the natural and built environment". Annex C of TAN 21 set out the planning considerations which are particularly relevant to waste transfer stations. Policy W2 of the NLDP, mirrors the considerations of TAN21 and establishes 7 specific criteria that waste management proposals must satisfy. Each criterion will be discussed in turn:

7.20 i) The proposal would not result in an unacceptable harm on nature conservation interests or of archaeological or geological importance.

The site is contained within the existing curtilage and does not encroach further into the countryside. There are no records of any nature conservation interests on this land and the Head of Streetscene and City Services (Ecologist) does not object in principle to the proposal. It has also been clarified that since the development utilises an existing building and yard, it does not involve the felling of any trees whilst external lighting, particularly their location, direction and intensity of illumination can be controlled via planning conditions. The proposal does not involve any groundworks and there are no records to indicate that the site is within an area of known archaeological or geological importance. Having regard to the above, it is considered that this criterion has been met.

7.21 ii) The risks and consequences of flooding can be acceptably managed

The site is not within a flood risk area, therefore this criterion is considered to be satisfied.

7.22 iii) The proposal is of a high quality design and would not result in an unacceptable impact on landscape quality.

The application site is located within the West of Rhiwderin Special Landscape Area. The designation does not preclude development but any proposals must demonstrate that they have been designed to respect the valued characteristics of the landscape. In this instance the potential impact of the proposal should be viewed within the context of the existing cluster of buildings and uses present. Since this proposal predominantly involves the re-use of an existing building and contained within an existing yard, albeit with the addition of a relatively small, grey, metal-clad portacabin which is located alongside a larger grey metal-clad building, the impact of the development upon visual amenity and the Special Landscape Area is relatively low. Whilst the external yard would be made available for storage containers, they would be clearly confined to the existing curtilage and seen in context with other buildings.

7.23 The nearest public position is the road of Holly Lane. At the access point, the site is at a distance of approximately 200m. There is a Public Right of Way running along the site access lane and along the outer boundary of the site. Whilst this brings much closer views of the site from public positions, the site forms part of an existing complex of buildings within the countryside and it would not unreasonably detract from the enjoyment of pedestrians using the path since views would only be at a short section of the overall length of the Right of Way, either heading into open countryside or to link to the public road.

- 7.24 Notwithstanding the above, it would be possible to reduce the visual impact of the development. Currently, there is a largely permeable boundary treatment along the southern boundary of the site which exposes the site to views from the Public Right of Way. A condition could be imposed requiring the erection of a solid boundary treatment along this section of the site which would significantly reduce the visual impact of the development, particularly the yard, containers, site office and parking areas. The details of the boundary treatment would need to be agreed to ensure that the height is adequate to provide effective screening and that its external finishes are appropriate and sympathetic to the visual amenities of the area. The boundary treatment would also assist in reinforcing the extent of the curtilage of the site, thereby avoiding any risk of expansion or sprawl beyond the current limits of the complex of buildings and yard. The Head of Streetscene and City Services (Landscaping Officer) has no objections to the proposal and it is considered that there would not be any significant adverse effect on the visual amenities of the area, with particular regard to the valued characteristics of the Special Landscape Area and the enjoyment of the walking/rural experience of using the Public Right of Way.
- 7.25 iv) There is no impact on amenity through noise, air pollution, odours, dust and emissions that cannot be appropriately controlled by mitigating measures. v) The development would not result in unacceptable harm to health
The site is located within a complex of existing buildings and yard. The nearest residential properties are to the north, approximately 90m away from the site, comprising of Croes Carn Einon Farmhouse, Wagguners Cottage, and 'Old Barn'. These properties however are located on the other side of the complex of agricultural-type buildings and are not directly affected by the operations of the waste transfer station. The nearest residential properties to the south of the site are Pennsylvania Barn and Pennsylvania Cottage which are over 325m away.
- 7.26 All sorting activities would take place indoors within the MRF and the external space, namely the yard, would be used for skip/container storage awaiting disposal to third party site and for vehicle loading/unloading and parking. No sorting or tipping takes place outdoors. Conditions could be imposed requiring the external yard to be solely used for skip/container storage and parking and that no sorting, tipping or waste processing operations of any kind to be undertaken. These would be in the interests of protecting the general amenities of the area, including visual and residential amenity.
- 7.27 In addition to the above, the Head of Law and Regulatory Services (Public Protection) has considered the application and conclude that a number of conditions should be imposed to appropriately control various amenity issues. These include:
- 1) Restricting the hours of operation for the site to 08:00-17:00 Monday to Friday, 08:00 – 13:00 on Saturdays, Closed Sundays and Bank Holidays.
 - 2) No burning of any material, at any time within the boundary of the site.
 - 3) The submission and implementation of a scheme for the control of dust and odour from the proposed activity
 - 4) The submission and implementation of a scheme for the control of pests/vermin from the proposed activity.
 - 5) The submission and implementation of a scheme for the control of litter from the proposed activity.
 - 6) The submission and implementation of a scheme for the control of surface water discharge and any spillages of waste material arising from the proposed activity, in the interests of protecting water courses and groundwater from contamination.
- 7.28 Subject to the imposition of these conditions, the Head of Law and Regulatory Services (Public Protection) has no objections to the proposal. Furthermore, subject to the conditions, it cannot be substantiated that the waste transfer site would be incompatible with The Farmers Daughter restaurant which is located on the opposite side of the farm complex and approximately 65m from the application site. Natural Resources Wales have also been consulted on the application and have no objections to the proposal. Drainage can also be subject to conditions although it is acknowledged that the development predominantly uses existing buildings and land whilst the addition of the portacabin is a relatively small structure. The Fire Officer has provided comments on the provision of water

supplies and access for emergency appliances. There is no reason to believe that this could not be achieved.

- 7.29 It should also be noted that Natural Resources Wales issue permits for Waste facilities and this assists in limiting the environmental impact of the proposal. This however is covered under separate legislation.
- 7.30 Having regard to the above, it is considered that the imposition of several conditions would provide adequate mitigation to control the most harmful aspects of amenity and would not result in unacceptable harm to health, thereby satisfying criterion iv and v of Policy W3 of the NLDP.
- 7.31 Criterion vi) The traffic generated can be accommodated safely on the existing highway network or suitable arrangements are made for the transportation of waste by rail. According to Paragraph 14.1 of TAN21: "Waste management facilities have the potential to generate a large increase of vehicle movements within the locality. Vehicular movements, highway safety, transport and access are material planning considerations. The traffic generated may include a mixture of private vehicles, waste collection vehicles, bulk haulage vehicles and skip transporters".
- 7.32 Paragraph 14.1 of TAN21 explains that the principal material planning considerations relating to transport and access are: Congestion, Severance, Safety and traffic related loss of amenity, Mud on roads; and, Traffic associated air pollution; if development affects trunk routes, then it may also become a concern of the Highways Authority.
- 7.33 The application site is located in the countryside, accessed by country lanes, many of which are single vehicle lanes. From the outset, this raises concerns in relation to the site's accessibility and sustainability particularly given the site's rural location and the types of vehicles transporting the waste. A significant number of objections have been received from local residents concerning the impact of this development upon highway/pedestrian safety.
- 7.34 The document titled "Statement of Use (A)" explains that no customers at any time will visit the site and it is to be used solely by members of staff, thereby implying that it is not open to the public/calling customers and company vehicles are sent off-site to collect the waste from the source and then arrive back at the site for sorting to take place. However, paragraph 4.6+ of the document titled "Working Plan/EMS for Materials Recycling Facility (G)" suggests that other 3rd party companies could bring waste to the site for sorting. In any case, a condition could be imposed which restricts the ability for the site to be open to the public/calling customers.
- 7.35 Notwithstanding the above, there appears to be some ambiguity to the amount and type of vehicles that is associated with the proposal. Firstly, the application forms explain that the total number of parking spaces provided at the site would be 5, catering for 2 cars and 3 light goods vehicles/public carrier vehicles. The forms also state that business has 4 employees. The document "Statement of Use (A)" also explains that the company has 4 members of staff and according to the document titled "Waste Policy Statement" the proposal "when fully staffed, the on-site personnel will consist of a site manager and a full complement of site staff including administrators, plant operators and sorting operatives".
- 7.36 In terms of vehicles, the document "Statement of Use (A)" explains that the proposal uses 2 vehicles at any one time being an 18ton skip loader and a 3.5ton transit van. However, the document titled "Waste Policy Statement" states that the proposal uses 2 x 17.5ton skip lorries and 2 x 3.5ton transit box van/tippers. The Statement also explains that "currently with both the skip lorries and the transits, we make approximately 20 commercial vehicle movements to and from site per day. There are an additional two vehicle movements (in and out of site) each month collecting wood. This is a 35ton vehicle delivering/collecting a 50 yard container". Further ambiguity is presented in an email from the applicant dated 15 June 2017, which states: "As it stands, we only have up to 6-8 movements of the rigid lorry to and from the site a day".

- 7.37 The applicant claims within the "Waste Policy Statement" that "it is anticipated that none of the vehicles entering the premises will be greater in size than any presently servicing the adjacent farming business." The applicant's email dated 15 June 2017 further explains that there are many farms and other businesses in the area which uses the lanes.
- 7.38 Despite the ambiguity surrounding the evidence that has been submitted for consideration, regard must be given to the overall factors associated with the proposal that may affect the highway implications of the site. Firstly, the maximum quantity of waste than can be processed at the site over the course of 12 months is 75,000 tonnes. It is understood that this is the minimum licence that Natural Resources Wales issues for such sites and the "Waste Policy Statement" states that "it is most likely that the maximum quantity will be considerably less than this [and that] the site is not designed to be a long-term storage area and will be operated on the principle of minimum practicable waste retention times. The email from the applicant dated 15 June 2017, in response to the objection from the Highways Authority states "I think your concerns are of the growth in the future or our increase of activities on the roads surroundings. But I can say that there will be no more increase of activities on the roads surrounding".
- 7.39 Given the site area and the imposition of conditions restricting the activities within the yard, there is some acknowledgement that a 75,000 tonnes annual throughput is highly unlikely at this site. However, it is reasonable to consider fluctuations in activity which includes increases in the amount of waste being sorted at the site. Any limitations upon site storage space could be overcome by the employment of more staff which subsequently results in more waste being sorted at a faster rate and ability to move waste off-site faster through increases in vehicle movements.
- 7.40 It is also acknowledged that the farm business which had use of the application unit and yard, would have generated a degree of traffic movements along the lane, for example transporting feed, plant and machinery to adjoining fields. However, having considered the evidence presented within this submission, this is likely to have been much less than the proposed waste transfer station.
- 7.41 Whilst it appears that there is another business operating from former barns within the complex, there is no known planning history associated with the barn and site that is the subject of this application. No compelling evidence has been submitted to demonstrate that the site has a lawful use other than for agricultural purposes. As such, it is considered that this proposal, which would involve large vehicles, would result in an increase in traffic movements.
- 7.42 There are two access points associated with the site. The first is to the north via Pentrepoeth Lane and the second is from the south via Holly Lane/Penylan Road.
- 7.43 The access via Pentrepoeth lane extends for a distance of approximately 450m and is hard surfaced and provides access to a small number of dwellings, a restaurant and the farm complex. In the email from the applicant dated 15 June 2017, it states that they do not use Pentrepoeth Lane however, notwithstanding the highway-implications of the proposal, it would be extremely difficult to enforce a condition which restricts vehicles from using a particular lane, route or access and the number of vehicle movements to and from the site.
- 7.44 The access via Holly Lane extends for a distance of approximately 200m and is unsurfaced and akin to a farm track, defined by compacted soil from tyres with a central strip of vegetation. According to Paragraph 14.11 of TAN21, "Vehicle movements on un-surfaced haul roads and on the public highway leading to and from a site may give rise to dust, creating a nuisance issue with adverse impacts on residential amenity. Planning authorities should take this into consideration when determining an application".
- 7.45 The Head of Streetscene and City Services (Highways) has carefully considered the highway-related implications of the scheme and objects to the proposal. In his comments, it is explained that the proposed use is an industrial one not a rural use which should be located in an industrial area that is easily accessible to major transport routes. The Highways Authority considers the local highway network serving both accesses unsuitable

to serve this proposal and specific references are made to Pentrepoeth Road and Holly Lane being narrow, single lanes with few passing places and unsuitable for the proposed use. A route using Penylan Road would be passing Bassaleg High School. It is also noted that the Highways Authority consider that the wider highway network which provides access to major routes are also rural in nature with no footways. Access onto the highway network also gives rise to highway safety concerns due to significant substandard visibility when egressing.

- 7.46 The Head of Streetscene and City Services (Highways) has not raised an issue with large vehicles causing damage to the fabric of the public highway, as claimed by some residents, however, it is noted that no proposals have been submitted to improve visibility or upgrade the private track to provide a hardstanding, particularly at the immediate site access adjoining with Holly Lane. This compounds the unsuitability of the access and the adverse impact that the development has upon highway/pedestrian safety and amenity.
- 7.47 The Head of Streetscene and City Services (Highways) has acknowledged the ambiguity surrounding the number, type and size of vehicles associated with the proposed use, particularly when the information provided appears to range from an 18 ton skip loader, 3.5 ton transit van and 35 ton vehicle to 2 17.5 skip loaders, 2 transit vans and a 35 ton vehicle. Additionally, the confirmed traffic movements range from 20 commercial vehicle movement to 6-8 movements.
- 7.48 Paragraph 14.5 of TAN21 explains that: "Local planning authorities should consider routes and volume of traffic associated with increased activities at existing facilities, as well as the traffic implications at proposed facilities. The ideal scenario, where other planning considerations allow, would be the location of facilities at nodal points that are easily accessible from major transport routes, (potentially reducing the need for transfers between sites) reducing the impact of traffic on the road and rail networks".
- 7.49 Given the types of vehicles involved, Policy T2 of the NLDP (Heavy Commercial Vehicle Movements) is also considered to be relevant to the determination of this application. In the first instance, developments requiring such vehicle movements are favoured in locations which allow access to a railway line, wharf or dock. Where this is not achievable, locations accessible to strategic and principal routes will be favoured. In this case of this proposal, neither of these favoured options is achievable with the proposed location, being located in the countryside and via narrow lanes. Policy T2 goes on to state that "elsewhere such development will not be permitted". In this respect the proposed fails to meet the requirements of Policy T2 and coupled with the demonstrated harm to highway/pedestrian safety, which is reinforced by the Highways Authority and the significant number of objections received from the public on this matter, it is considered that this scheme is unacceptable and fails to satisfy this criterion.
- 7.50 Criterion vii) The need for proposals for disposing of the type, quantity and source of waste assessed against requirements being established.
Technical Advice Note 21 requires collaboration between local authorities to help establish future needs for the disposal and recovery of waste. This work has been undertaken on a South East Wales basis with the latest report published by the Welsh Government in April 2016. The focus of the report however is to set out residual waste requirements, i.e. facilities to treat the waste that remains after recycling or composting material has been removed from the waste stream.
- 7.51 With regards to this application, the proposed facility will receive waste and sort for transportation to other facilities for appropriate treatment and processing. The proposal therefore is considered to form part of the supporting infrastructure for which there is a general support at both the national and local level. In this respect, Paragraph 3.3 of TAN21 states: "in line with sustainability principles, there is an expectation that all areas should be prepared to accommodate infrastructure to support the development of an integrated and adequate network, be it an actual recovery treatment plant, an intermediate treatment facility or any supporting infrastructure such as transfer stations". In terms of local level, Policy SP20 of the NLDP states, "the sustainable management of waste arising in Newport will be facilitated by promoting and supporting additional treatment facilities, that

have regard to the waste hierarchy, the proximity principle and contribute to an integrated network of facilities". This proposal is deemed to be supporting infrastructure and part of the integrated network of waste facilities and is therefore considered to satisfy this criterion.

5.52 Whilst a number of residents have stated that the site is operating without planning permission, the applicant is entitled to submit a retrospective application in an attempt to regularise the development. Furthermore, a number of residents have stated that the applicant has not complied with previous consents, however this claim is not material to the determination of this submission since each application is determined on its own merits.

5.53 The applicant claims within the application forms that he has consulted neighbouring properties and the local community about the proposal. Whilst this has been refuted by a number of residents and there are claims that inadequate consultation has taken place. The Council, as part of the procedural requirements of this planning application, has advertised the application in accordance with the relevant regulations by notifying all properties within 100m of the the application site (6 addresses), displayed 2 no. site notices and published a notice within the South Wales Argus.

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

This application is recommended for refusal because the development does not comply with National and Local Planning Policy. Paragraph 4.16 of Technical Advice Note 21 (Waste) explains that “Applicants should clearly justify why a proposal is necessary and where it cannot be clearly demonstrated that there is a need for the proposal it may be appropriate to consider refusing planning permission”. In addition to this, Paragraph 14.7 of TAN21 states: “Planning preference should be given to sites within close proximity to alternative modes of transport. Planning permission should be refused if the existing road network is unsuitable, or the impact of traffic on local communities is unacceptable, and cannot be improved sufficiently as part of the proposed development”.

Having regard to the overall merits of the scheme, whilst it is acknowledged that this proposal, in some regards, is considered consistent with policy objectives to improve waste infrastructure provision in Newport and the wider region, limited justification has been provided to support the need for the facility’s countryside location compared to more appropriate sites for proposals of this nature, such as those located in established industrial sites with good parking, access and transportation links.

Policy SP5 of the Newport Local Development Plan does not, in principle, preclude waste proposals to be located within the countryside provided it complies with national planning policy. However, following careful consideration of the merits of this scheme, it has been demonstrated that the proposal would have significant harm on highway/pedestrian safety which is a national planning policy consideration. There are no other material planning considerations which outweigh the identified harm and, as such, the proposal is considered contrary to Planning Policy Wales (Edition 9, 2016), Technical Advice Note 21: Waste (2014) and Policies SP5, GP4, T2 and W2 of the NLDP.

10. RECOMMENDATION

REFUSED WITH DELEGATED POWERS TO UNDERTAKE ENFORCEMENT ACTION

01 The narrow and tortuous rural lanes leading to the site, with lack of suitable dedicated passing places, footways, poor visibility (including at site accesses), are unsuitable to cater for the intensification of vehicle movements (including heavier vehicular movements) generated by the proposed development which is located in an unsustainable location, and thus creating traffic hazards and conflict with vulnerable highway users, to the detriment of highway and pedestrian safety, contrary to Planning Policy Wales (Edition 9, 2016), Technical Advice Note 21: Waste (2014) and Policies SP5, GP4, T2 and W2 of the NLDP of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

02 Insufficient justification has been provided to demonstrate the need for the proposal to be located in an unsustainable location served by a substandard rural highway network, isolated from alternative modes of transport and strategic travel modes. In this regard and since the proposal is deemed to be detrimental to highway and pedestrian safety, the scheme is contrary to the aims of National policy and so is considered to be inappropriate development in the countryside. The scheme is therefore contrary to Planning Policy Wales (Edition 9, 2016), Technical Advice Note 21: Waste (2014), and Policies SP5, GP4, T2 and W2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTES TO APPLICANT

01 This decision relates to plans titled: Site Location Plan (C) and Block/Site Plan (D).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP5, SP8, SP20, GP2, GP4, GP5, GP6, GP7, T2, T4, T7 and W2 were relevant to the determination of this application. Planning Policy Wales (Edition 9, 2016) and Technical Advice Note 21: Waste (2014) were also considered relevant.

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

APPLICATION DETAILS

No: 17/0431 **Ward:** ST JULIANS

Type: FULL (MAJOR)

Expiry Date: 06-JUL-2017

Applicant: LINC CYMRU HOUSING ASSOCIATION

Site: LAND AND BUILDINGS FORMERLY KNOWN AS DURHAM ROAD JUNIOR AND INFANT SCHOOL, DURHAM ROAD, NEWPORT

Proposal: RESIDENTIAL REDEVELOPMENT FOR 57NO. APARTMENTS, TOGETHER WITH ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESSES, CAR PARKING, AMENITY AREAS, MOBILITY SCOOTER & BIN STORE, LANDSCAPING AND ANCILLARY DEVELOPMENT, SITE PREPARATION, CLEARANCE, TREATMENT, RE-PROFILING AND THE INSTALLATION OF NEW SERVICES AND INFRASTRUCTURE

Recommendation: GRANTED WITH CONDITIONS SUBJECT TO A LEGAL AGREEMENT WITH DELEGATED AUTHORITY TO REFUSE PERMISSION IF THE AGREEMENT IS NOT COMPLETED WITHIN 3 MONTHS OF ANY RESOLUTION TO GRANT PERMISSION.

1. INTRODUCTION

- 1.1 The applicant is seeking planning permission to build 57No. flats and associated infrastructure on the site of the former Durham Road Primary School in the Saint Julian's Ward. The development will consist of an 'L' shaped building that will face out on to Durham Road and Elysia Street. The building will be 3 storeys high with the most northern section of the proposal dropping down to 2 storeys in height. Facades will be broken up by a variety of gable projections, changes in ridge height, overdoor canopies and bay windows. Material changes such as hanging tiles, render panels, window cills & headers and brick banding will add further visual interest to facades that are primarily made of red brick. Roofs will be grey slate effect tiles. Solar panels will be installed on the southern roof slope facing Elysia Street. Maximum heights are 7.94m to the eaves and 11.7m to the ridge.
- 1.2 The ground floor flats would have access via 'front' doors from the streets giving the flats the appearance of being a terrace of three storey houses. However 'main' doors will give access to internal corridors and stairwells that give access to the other flats including those upstairs. A lift will be provided and all units are wheelchair accessible. The 14No. 2 bed flats will contain one double bedroom and a single bedroom, a combined lounge and kitchen area, a 'wet' room and some built in storage. The 43No. 1 bed flats will have the same provision other than the omission of the 'second' single bedroom. A communal lounge is proposed on the first floor and a drying room on the second floor.
- 1.3 An ancillary hipped roof building will be built on the Rockfield Street side of the site measuring 11.885m long, 4.163m wide, 2.15m to the eaves and 3.63m to the ridge. The building will have double doors facing out on to Rockfield Street and will provide bin storage, mobility scooter storage and cycle storage.
- 1.4 35No. parking spaces will be provided including two disabled spaces. The site will be landscaped using shrubs and artificial turf. Proposed boundary treatments are dwarf walls with railings, hedges and steel mesh fencing along the alley through to Orchard Mews / Durham Lane. Raised planters and benches will be provided within the garden areas.

2. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
10/0876/O	DEMOLITION AND RESIDENTIAL DEVELOPMENT OF FORMER	GC

	DURHAM ROAD INFANT AND JUNIOR SCHOOL TOGETHER WITH ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESS, CAR AND BICYCLE PARKING AND LANDSCAPING (OUTLINE)	19 September 2011
11/0934	PRIOR APPROVAL NOTIFICATION FOR DEMOLITION OF FORMER SCHOOL BUILDINGS	Prior approval not required 29 September 2011
12/1098	ERECTION OF COMMUNITY NURSING HOME (USE CLASS C2) TOGETHER WITH ASSOCIATED GARDEN AREA, VEHICULAR AND PEDESTRIAN ACCESSES, CAR PARKING, BICYCLE STORAGE, REFUSE STORAGE AND ASSOCIATED LANDSCAPING	GC 06 February 2013

3. POLICY CONTEXT

3.1 Planning Policy Wales (Edition 9, 2016)

The use of brownfield sites is welcomed by national policy. Paragraph 4.9.2 of PPW notes that many previously developed sites in built up areas may be considered suitable for development because their re-use will promote sustainable objectives e.g. its location close to public transport.

The applicant must ensure that amenity and environmental factors are not negatively affected e.g. flood risk and nature conservation interests. TAN 15 – Development and Flood risk sets out guidance on Welsh Government’s approach to assessing the acceptability of development within a flood risk area. TAN 5 – Nature Conservation and Planning (2009) sets out national policy on protecting the nature conservation which includes previously developed sites.

The proposal is considered to meet the national objective of having new residential developments that are well integrated within existing settlements.

The developer must ensure that it is a high quality design and landscaping standards are implemented to ensure that the development fits into the existing residential area.

3.2 Local Planning Policy

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

SP1 – Sustainability

SP3 – Flood Risk

SP9 – Conservation of the Natural and Built Environment

SP13 – Planning Obligations

SP18 – Urban Regeneration

GP1 - General Development Principles – Climate Change

GP3 – General Development Principles – Service Infrastructure

GP2 – General Development Principles – General Amenity

GP4 – General Development Principles – Highways and Accessibility

GP5 – General Development Principles – Natural Environment

GP6 – General Development Principles – Quality of Design

H2 – Housing Standards

H3 – Housing Mix and Density

H4 – Affordable Housing

EM3 – Alternative uses of Employment Land

T4 – Parking

3.3 Adopted Supplementary Planning Guidance

Parking Standards SPG – August 2015

New Dwellings SPG – August 2015

Wildlife and Development SPG – August 2015

Affordable Housing SPG – August 2015

4. CONSULTATIONS

4.1 WESTERN POWER DISTRIBUTION: Advise of equipment in the area and safe working practices.

- 4.2 DWR CYMRU / WELSH WATER: No objection but request the application of a condition to control the connection to foul sewerage.
- 4.3 CYFOETH NATURIOL CYMRU / NATURAL RESOURCES WALES (CNC/NRW): No objection subject to a condition to raise finished floor levels at the development to 8.65m above Ordnance Datum (Newlyn).
- 4.4 HEDDLU GWENT POLICE: With regards to the planning application for 57no apartments on the former Durham Road School site I have no objections to the proposed development. I would however make the following recommendations:
- Planting, particularly that planned at the front entrances (as shown on detailed landscape drawing Rev B) of the individual properties should be low growing (no more than 1m in height) to not obstruct surveillance from the properties.
 - All communal and individual entrances should be lit with 'dusk to dawn' lighting and not PIR (Passive Infrared Sensor).
 - Windows and doors should meet the security standard of PAS 24 to minimise the risk of burglary.
- 4.5 WALES & WEST UTILITIES: Advise of equipment in the area.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE & CITY SERVICES (LANDSCAPING): no objection to the proposed landscape scheme, BUT COMMENTS AS follows:
- Confirmation that landscape maintenance and management will be undertaken by trained Linc Cymru staff as original concerns over maintenance remain i.e. the planting is very maintenance intensive.
 - A landscape maintenance and management plan (linked to the planting objectives).
 - Tree pit detail – many fruit trees are proposed adjacent to public highway, tree barrier maybe required.
 - Consideration of the street tree size, the proposal at 12-14cmg is too small for individual trees in an urban environment and risks vandalism preventing establishment.
 - The view shown below previously highlighted for some planting to soften will still be onto parking. Planting proposed is Hebe and Choisya, which although evergreen will not stand trampling and not gain any height. Tree selection is unusual e.g. Hippophae salicifolia Streetwise, Magnolia Kobus which are small trees with little canopy to reduce visual impact of the building mass.
- 5.2 HEAD OF STREETSCENE & CITY SERVICES (HIGHWAYS): The parking requirement for flats is 1 space per bedroom and 1 per 5 flats for visitors requiring 82 off street parking spaces whilst only 35 spaces are proposed.

However, the site is deemed to be in a sustainable location in terms of walking and public transport and the applicant has submitted an on street parking survey confirming that adequate space is available to cater for the full 82 spaces which subject to full social tenure being protected by a Section 106 Agreement is deemed acceptable.

The Transport Assessment uses isochrones which bear no relation to actual walking and distances. Actual walking distances should be provided.

The National Cycle Network Route 47 and Celtic Trail are located on the other side of the River Usk and no actual distances from the site have been confirmed. However, I note that adequate on site cycle storage is proposed which will satisfy the Active Travel Act requirement.

- 5.3 HEAD OF STREETSCENE & CITY SERVICES (ECOLOGY): No objection but suitable ecological enhancements should be sought.
- 5.4 PUBLIC PROTECTION MANAGER (SCIENTIFIC OFFICER):

- 5.4.1 The traffic generated from this development has the potential to contribute pollution to the Caerleon Road Air Quality Management Area (AQMA). To encourage low/zero emission forms of transport - as an advisory, I recommended that all the parking spaces are fitted with cabling for electric vehicle charging points. A number of the parking spaces should be installed with electric car charging points with the cabling allowing for easy installation at a later date when demand is predicted to increase.
- 5.4.2 The contaminated land reports submitted with this application have confirmed the presence of contamination. One of the conclusions in the reports recommends further investigation / remediation. I agree with the recommendation that further assessment and remediation works will be required to prove the site is suitable for its proposed residential end use. I therefore recommend the standard contaminated land conditions are implemented with this application.
- 5.5 PUBLIC PROTECTION MANAGER (NOISE): No objection subject to the application of conditions to impose a Construction Environment Management Plan and to provide mechanical ventilation as required to mitigate noise issues.
- 5.6 HEAD OF REGENERATION, INVESTMENT & HOUSING (PLANNING POLICY):
- 5.6.1 **Principle of Development**
The proposal site is within the settlement boundary and will result in the conversion of vacant brownfield site to residential use. This would aid in the regeneration of this vacant site within the urban area as well as being an efficient use of previously developed land. It should be noted that at this point in time the Council has a published housing land supply of 6.1 years against a requirement of 5 years.
- 5.6.2 **GP2 Amenity**
The development must not only be acceptable to existing neighbours but must provide adequate amenity space to those new residents. The New Dwellings SPG notes that each new flat would require private amenity space which could be provided as a balcony space. The plans do not show private amenity space for each flat and a concern is raised as to the adequacy of amenity space on the site.
- 5.6.3 **H3 Housing Mix and Density**
The site will result in the reuse of brownfield land and in order for this sustainable use of land but will result in a particularly high density scheme which seems at odds with the neighbouring context.
- 5.6.4 **SP3 Flood Risk.**
The Flood Consequence Assessment notes that 'the western access/egress routes may not be fully flood free for the duration of the extreme flood which may last 2-3 hours when a design life reaches 100 years. However, it is assumed that in the next 100 years the flood defences will be strengthened and improved to protect large areas of Newport if climate change predictions are realised'. The adequacy of defence should be based on the current situation not on potential future improvements which have no certainty of being realised.
- 5.6.5 **GP4 Highways and Accessibility**
The proposal is located within parking zone 3 and will need to satisfy parking standards. Highway colleagues will provide comments on the proposed scheme.
- 5.6.6 **GP5 Conservation of the Natural Environment**
Although the site is brownfield in nature there is potential for some ecological value on the site. The redevelopment of the site also provides an opportunity for the introduction of landscaping and natural features to the site. A full response from the Councils green services will be provided.
- 5.6.7 **H4 Affordable Housing**
The proposal is for a 100% affordable housing scheme and there satisfies the requirement of policy H4 for 20%.

5.6.8 Conclusion

The general principle of development is welcomed. However the scheme proposed seem particularly dense and not in character of the neighbouring context. The level of private amenity space does not seem adequate nor the ability of the scheme to meet all the Tests of TAN 15. In these concerns, and any other raised by relevant consultees, can be managed then an objection would be removed.

5.7 HEAD OF REGENERATION, INVESTMENT & HOUSING (HOUSING MANAGER): I can confirm the Housing Departments support for the application. Linc Cymru acquired the site and has worked with the City Council to address the prevailing housing need in the area. Durham Road provides a very sustainable location being close to local shops, doctors surgeries, dentists, opticians and a post office; and is a very popular locality within the City as it is also on a main arterial route into the City Centre. The site itself is in a level location with easy access to the facilities; and therefore the City Council asked Linc one of the partner housing associations to look at the provision of over 55's accommodation in this locality. The scheme includes a mix of one and two bedroom accommodation which addresses the housing need and all properties will be allocated from the Common Housing Register. There are currently 428 applications from over 55's for accommodation in this area.

5.8 HEAD OF REGENERATION, INVESTMENT & HOUSING (SECTION 106): The scheme proposes a 100% affordable housing scheme. Council policy (specified in the adopted Planning Obligations SPG 2015) stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations. However should any of the flats be sold in the open market contributions would be required for the following:

- Affordable housing at 20% or exceptionally an off-site commuted sum,
- Education

5.8.1 The development falls within the catchment area of St Julian's High School and Glan Usk Primary School. Whilst it is recognised that no education contribution is requested for affordable housing, it is necessary to build-in safeguards to ensure that if any of the dwellings are sold or rented on the open market, the following formula will be applied:

- Number of secondary pupils generated by market dwellings (prior to commencement of development) in excess of available capacity at St Julian's High School x £15,302 = Secondary Education Sum;
- Number of post 16 pupils generated by market dwellings (prior to commencement of development) in excess of available capacity at St Julian's High School x £16,427 = Post 16 Education Sum;
- Number of primary pupils generated by market dwellings (prior to commencement of development) in excess of available capacity at Glan Usk Primary School x £16,115 = Primary Education Sum.

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

All Education Sums will be index linked to the BCIS

- Leisure

5.8.2 There is a deficit of equipped and informal play provision within the St Julian's Ward. Whilst it is recognised that no leisure contribution is requested for affordable housing dwellings, it is necessary to build-in safeguards to ensure that any dwellings sold or rented on the open market, will be subject to leisure planning obligation contributions. As such, any 'open market' dwellings will be subject to a financial leisure contribution, based on the following formula:

- Number of one bed 'open market' apartments (prior to commencement of development) x £397;
- Number of two bed 'open market' apartments (prior to commencement of development) x £1,916.

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

All Leisure Sums will be index linked to the RPI

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties within 50m of the application site were consulted (138 properties), 2No. site notices were displayed; one on the corner of Elysia Street and Rockfield Street and one on Durham Road and a press notice was published in South Wales Argus.

12 comments were received raising the following objections:

- On-site parking is inadequate and does not comply with the Council's adopted Supplementary Planning Guidance (Parking).
- 71 spaces are required only 35 are provided.
- Parking from the development will be displaced into the local highway network where on-street parking is already heavily subscribed.
- Older people still drive and the age of the occupants will be no bar to car ownership – parking provided on-site is inadequate.
- Driveways on Rockfield Street are already blocked by inconsiderate parking, this will be worsened.
- The SPG Parking requirement should be adhered to, it is an adopted planning document and should be given due weight. If it isn't then people will lose confidence in the planning system to achieve required standards.
- The development is oversized for the area at three storeys, the taller development will lead to unacceptable levels of overlooking and will be overbearing.
- This proposal overdevelops the site notwithstanding the benefits of bringing the site back into productive use.
- Flats are out of character with the area which is predominantly housing.
- Additional population will add to traffic congestion and the oversubscription of local services such as schools & doctors' surgeries particularly in combination with other consented developments nearby.
- The building is tall and will block light.
- Parts of the site that were not built on previously will be built on under this scheme.
- The roads around the site are already heavily parked due to 'displacement' parking from surrounding streets (large vans for example).
- People visiting the Caerleon Road District Centre park on the roads around the site adding to its overall busyness.
- The characteristics of the occupiers cannot be controlled, there is no guarantee they will be older people and older people still drive in any event. Parking is inadequate.
- The access on Rockfield Street will make the street busier to the detriment of highway safety.
- The local sewerage network is inadequate to serve the development.
- Construction traffic will be disruptive in the local narrow streets.
- Additional residents will overload the local highway network.
- Additional on-street parking demand will inconvenience residents who will not be able to find parking spots near their homes.
- There is already not enough on-street parking in the local area at peak times, this will add to the problem.

The representations also contained the following supporting comments:

- Support the provision of over 55s accommodation which is much needed.
- Supports the redevelopment of the site in principle.

7. ASSESSMENT

7.1

The site lies within the urban area of Newport. The site is in Zone C1 of the Welsh Government's Development Advice Maps (defended floodplain). The previous use of the site was as a primary school. The previous development has been cleared and the site now consists of retained hardstandings and concrete slabs. It is contained within the previous

boundary treatments which are a mix of steel mesh fencing, red brick walls with steel mesh fencing above and some hedging adjacent to 2 Rockfield Street.

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

- The massing of the building
- The design of the building
- Parking provision both on-site and off-site (fallback)
- Flooding
- Amenity Space

Minor issues are:

- Highway capacity
- Sewerage infrastructure
- Streetscene / boundary treatments
- AQMA / Contamination
- S106 matters

7.3 Massing

7.3.1 The predominant building form in the area is two storey terraces. The proposal will be a taller building at three storeys with a pitched roof. The building's maximum height would be 11.7m. The building would be indisputably taller than the buildings around it. The applicant has provided cross-sections to illustrate the relationship with the neighbouring properties in Elysia Street and Durham Road. These drawings show façade to façade separation distance at being between 20 and 21 metres (not allowing for bay windows which would marginally reduce the separations). This is considered an acceptable level of separation.

7.3.2 The Council's Supplementary Planning Guidance 'New Dwellings' (adopted August 2015) applies a test to assess the loss of natural light to existing windows from new development. That test projects a 25 degree line from 2.0m high perpendicularly out from protected windows (protected windows serve habitable rooms) towards the development. No part of the development should intersect that projected line within an appropriate separation distance. In this case the 25 degree test is passed on both the Durham Road and Elysia Street elevations. As such the development will not cause an unacceptable loss of natural light and this in-combination with the separation from existing facades leads to the conclusion that the proposal will not be overbearing notwithstanding its predominantly 3 storey character.

7.3.3 In terms of the character and appearance of the area although taller than the predominant pattern of development in the vicinity the development will present as a terrace of three storey houses belying its flatted nature. Although taller than the nearby houses the new development will not appear out of character with the surrounding form of development.

7.3.4 In terms of its massing the proposal will not have a significant adverse effect on local amenity in relation to overbearing effect, overlooking and loss of light and is compliant with Policy GP2i. The proposal will not be detrimental to the character or appearance of the surrounding area and complies with Policy GP2ii.

7.4 Design

7.4.1 The proposal will be most visible from Durham Road and Elysia Street given that the building will effectively directly front these two streets. However it will be visible from Rockfield Street where one gable will front that road and other views will be available across the proposed areas of parking in the north western corner of the site. Consequently design is a key issue. The applicant has pursued a flatted development but in terms of design they have attempted to produce a development that presents as a terrace of three storey 'townhouses'. The facades along Elysia Street and Durham Road are long and given the significant mass of the building the design has sought to break up these facades by a variety of treatments:

- Use of projecting gables,
- Overdoor canopies,

- Decorative cills and window headers,
- Provision of Bays,
- Use of materials - feature render panels, brick (red & yellow) and hanging tiles,
- Brick detailing – plinths, bands and arches,
- Varying ridge and eaves height.

7.4.2 In general terms the above methods succeed in adding visual interest to these long facades and provide simple and attractive detailing which give a consistency of treatment along the façade without appearing cluttered or over busy. The character of the surrounding streets is somewhat varied with Rockfield Street and Elysia Street having an interwar character showing typical characteristics of that area: two storey bay windows rounded door arches, use of hanging tiles, tile roofs and rendered finishes. Durham Road is more typically Victorian containing two storey terraced houses with single storey bay windows and small front yards behind low red brick walls (some with railings) and typically pedestrian accesses with masonry gate pillars. Finishes are now typically render or pebble dash but are likely to have been red brick historically with some banding details. Most houses still have recessed doors and windows and have retained their chimneys. These features are also replicated on the Rockfield Street elevation.

7.4.3 In terms of the bin store / mobility scooter store (the store), this is located close onto Rockfield Street but the elevation will be broken up by a green screen planting of an ivy species that will climb up the screen to soften that elevation. The store will be 2.2m to the eaves and 3.6m to the ridge and is not considered to have any unacceptable impacts in terms of its appearance or impact upon nearby residents and general users of the street.

7.4.4 Proposed boundary treatments are steel mesh fencing along the north eastern boundary facing the alley between Durham Road and Orchard Mews (likely to be the existing fence retained), hedgerows and some dwarf walls with railings. Ground floor flats will have access onto the Streets they face onto. Main entrances for the upstairs flats will be on Elysia Street, Durham Road and at the back of the flats facing onto the car park area. The ground floor flats at the rear of the building will be able to access Durham Road via a pedestrian access into the alley the site's north eastern perimeter.

7.4.5 Overall the proposal is considered to constitute an acceptable quality of design and complies with Policy GP6 (Design) of the adopted Newport Local Development Plan 2011-2026 (NLDP).

7.5 Parking

7.5.1 The scheme will provide 35 off-road parking spaces including 2 disabled spaces. The adopted Parking SPG requires that 'Self-contained dwellings for elderly persons (not wardened) should provide 1 space per 2-4 units (residents) and 1 space per 4 units (visitors). See page 25 of the SPG.

7.5.2 Disabled parking should be two spaces for a car park of 20 to 60 spaces (Page 49 of the SPG) and there should be sufficient space for an ambulance to access the site entering and leaving in a forward gear.

7.5.3 The Housing Manager has confirmed that in Housing terms over 55s accommodation can be considered to be accommodation for the elderly and the Parking SPG does not offer any alternative definition and nor does any other locally adopted or national planning policy. As such it is appropriate to apply the 'elderly' parking standard as prescribed in the Parking SPG. This would allow the following parking range:

57 flats	Residents	Visitors	Total
Upper limit	29	15	44
Lower limit	15	15	30

7.5.4 In the worst case scenario the provided parking would be deficient by 9 spaces. The applicant has provided a sustainability assessment as allowed for in the Parking SPG which allows a reduction in parking provision for residential developments where locations

are more sustainable. This site is close to various facilities but the SPG is clear that in this location the parking provision should not be reduced below 1 parking space per flat. Since the provision is already below this then no sustainability reduction can be applied. The sustainability reduction does not apply to visitor parking since the development is the destination and the generator of parking demand (rather than any facilities nearby).

7.5.5 As such in the worst case scenario the scheme is deficient in parking by 9 spaces which will be displaced into the local highway network and must be accommodated on-street. The applicant has provided an on-street parking survey that utilised the 'Lambeth' methodology. The survey looked at parking availability on streets within 200m of the site over two nights between 00:30 and 05:30 when parking demand is considered to be at its peak. The survey consider the use of 85% of available spaces to be full saturation of parking provision since there is a need to retain passing spaces to allow traffic flow (e.g. when cars encounter larger vehicles and need to pull over). The survey showed that within the survey area 71% of spaces were occupied leaving an additional 65 actual on-street parking spaces before the 85% saturation point was reached. As such the 9 on-street spaces needed in the worst case scenario can be accommodated within the street without there being any adverse impact on the freeflow of traffic and highway safety.

7.5.6 In terms of amenity the streets near the site the following was found:

Street	% of Parking Spaces used	Spaces Available before 85% capacity reached
Durham Road (south of York Road)	70	8
Durham Road (north of York Road)	74	6
Elysia Street	39	11
Rockfield Street	65	16
Total		41

In effect even allowing for the potential displacement of existing residential parking in the nearby streets by the additional demand for on-street parking exerted by the proposed development with 41 spaces being available within the close vicinity of the site any displacement should be minimal and would not be harmful in terms of the amenity of residents. Any increased difficulty in finding spaces and the associated walk between that space and their home is likely to be minimal and therefore acceptable.

7.5.7 The Head of Streetscene & City Services (Highways) did not object to the development proposal subject to controls over the age and characteristics of the occupants via a Section 106 legal agreement. It was proposed to require that all the units were affordable and could only be occupied by the over 55s. The reasoning was that as market units the flats would require 82 spaces and the scheme was grossly deficient in parking spaces. That said the applicant's parking survey showed that even in this event the shortfall might be accommodated in the street. The applicant also argued that the characteristics of the occupiers would make it unlikely that the actual parking demand would be lower than had the flats been occupied by younger persons on higher incomes. The applicant pointed to census data showing lower levels of car ownership in Saint Julians and lower car ownership amongst social housing tenants in general terms.

7.5.8 In the light of this information the Head of Streetscene and City Services (Highways) considered that the lower levels of parking provision would be acceptable with certainty over the characteristics of the occupiers i.e. that they would certainly be older and social housing tenants. However Planning Officers are of the view that the Parking SPG allows a much lower level of parking provision for accommodation of this nature than anticipated by the applicant in his Transport Statement (Table 3.1) and in essence the proposal is compliant with the Parking SPG requirements so long as the occupiers are elderly; it is not necessary that they are social housing tenants and any additional controls via a legal agreement securing 100% affordable accommodation are not required in this instance.

7.5.9 It is appropriate to apply a condition controlling the age of the occupants to ensure occupation is by the elderly but the legal agreement sought to make this scheme acceptable will seek the 20% affordable housing provision required under the affordable

housing policy (rather than 100% affordable) since there is no need to control the type of tenure in the interests of ensuring there is sufficient off-road parking. It is only necessary to control the age of the occupants to ensure compliance with the elderly accommodation parking requirement in the Parking SPG and this can be done by condition.

- 7.5.10 In any event the Head of Streetscene has not objected to this scheme for over 55s accommodation in the social rented sector although for slightly different reasons to Planning Officers. Effectively the Head of Streetscene wished to control the age of the occupiers and the tenure type in the interests of ensuring parking provision was adequate (which would have required 100% affordable housing within the legal agreement) and Planning Officers seek to control the age of the occupiers by planning condition in the interests of parking provision whilst seeking 20% affordable housing in the legal agreement (in the interests of providing policy compliant levels of affordable housing). Ultimately the outcome is the same, the applied control methods will ensure the nature of the occupation of the flats does not exert a parking demand harmfully beyond what is to be provided within the scheme.
- 7.5.11 In conclusion the acknowledged parking demand of the development can be accommodated on site or within nearby streets without having an unacceptable impact on the freeflow of traffic, highway safety or the amenity of nearby residents. Policy GP4 (Highways & Accessibility) is complied with.

7.6 Flooding

- 7.6.1 The application site lies partly within a defended flood plain, Zone C1 of the Welsh Government's Development Advice Maps. The applicant has submitted a Flood Consequences Assessment (FCA) which confirms that the site will be dry during a 1 in 200 year tidal flood over the 100 year lifetime of the development. Under in 1 in 1000 year extreme flood the site is predicted to flood at the end of its 100 year lifetime to a depth of between 0.73 and 0.98m although an event of that magnitude will not flood the site prior to 75 years of its lifetime having passed. Cyfoeth Naturiol Cymru / Natural Resources Wales (CNC/NRW) have no objection to the development subject to finished floor levels being 8.65m above Ordnance Datum (AOD) and the rest of the site being raised to 8.4m AOD.
- 7.6.2 In terms of offsite flooding egress routes out to the east will be dry for the lifetime of the development in a 1 in 200 year event but will flood beyond tolerable limits in the event of a 1 in 1000 year event allowing for climate change after 75 years of the development's lifetime. CNC/NRW note that this level of flooding would constitute 'Danger for All'. The applicant notes that the duration of the extreme flood beyond tolerable limits as outlined in Technical Advice Note 15 (TAN15) will be for approximately two hours around the high tide. As the tide recedes the depth of flooding will fall back within tolerable limits.
- 7.6.3 In terms of Policy TAN15 requires that development in flood plains is justified and then shown to be resilient to the inevitable flood event that will affect it. The development is justified in its location since; *Its location in (flood) 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* (TAN15, 6.2i). The proposal is for the regeneration of a brownfield site within the urban area and is compliant in terms of broad principle with the adopted Newport Local Development Plan. The regeneration benefits can only accrue on this site. Additionally the scheme must be on previously developed land, which this scheme is and the consequences of a flood event must be shown to be acceptably managed.
- 7.6.4 TAN15 also gives guidance on acceptable flooding criteria, these are not prescriptive standards but as advisory standards issued by the Welsh Government they carry significant weight in any determination. TAN15 advises that the site be flood free for the 1 in 200 year tidal flood over the 100 year lifetime of the development. This proposal meets that criteria subject to the finished floor level being completed as specified. This can be achieved by Planning Condition.
- 7.6.5 In terms of the extreme event (1 in 1000 year flood) TAN15 acknowledges that the site will flood but ideally should not flood beyond the acceptable criteria cited in the TAN. The applicant confirms that the site will be flood free in an extreme event for 75 years of its

projected lifetime but will be at risk of flooding thereafter. At the end of the development's 100 year lifespan the site is predicted to flood to a depth of 0.73m which exceeds the acceptability criteria of Table A1.15 of TAN15 by 13cm. The applicant has not provided information on the other aspects of flooding identified by Table A1.15 of the TAN, that is maximum rate of rise of floodwaters, maximum speed of inundation or maximum velocity of floodwaters. As such there is an incomplete picture of the risk to occupiers of the site in the event of an extreme flood whilst allowing for climate change over the lifetime of the development. Nevertheless CNC/NRW has not objected to the development proceeding subject to conditions controlling site levels since the site will be flood free for the 1 in 200 year tidal flood for its 100 year lifetime.

A1.15 Criteria	Site / TAN15 Requirement	Evacuation Route / TAN15 Requirement
Maximum depth of flooding (mm)	730 / 600 Plus 130mm - 122% of recommended level	640 / 600 Plus 40mm - 107% of recommended level
Maximum rate of rise of floodwaters (m/hr)	Not known / 0.1	Not known / 0.1
Maximum speed of inundation of flood risk area (hrs)	Not known / 4	Not known / 4
Maximum velocity of floodwaters (metres/sec)	1.31 / 0.15 Plus 1.16 - 873% of recommended level	1.45 / 0.3 Plus 1.15 - 483% of recommended level
Time A1.15 criteria are exceeded	2 hours / not required	2 hours / not required

- 7.6.6 In terms of the evacuation routes these are a matter for Council to consider and CNC/NRW do not advise on the impact of flooding on offsite matters. Guidance is clear (Summary of what TAN15 requires for highly vulnerable development) that '*escape/evacuation routes are shown by the developer to be operational under all conditions*'. The developer confirms that in the extreme 1 in 1000 flood with allowance made for climate change that the evacuation route will flood to a depth of 640mm. this exceeds the TAN15 criteria by 40mm which is considered de minimis in itself. In terms of velocities of flood waters the exceedance is significant and CNC/NRW advise there would be risk to all in waters of that depth and speed. Additionally we do not know the speed of inundation or the maximum rate of rise. As such we cannot fully quantify the extent of the flood risk over the evacuation route but we know it to be significant on the data we do have. The potential vulnerabilities of the future occupiers – potentially very elderly and possibly infirm (but still capable of independent living) should be factored in. It is reasonable to assume these would be less able to cope in these conditions and would be even more at risk than the average person.
- 7.6.7 In terms of the site itself the deficiencies are more marked both in terms of depth and velocity of waters. Again the speed of inundation and rate of rise are not known but even on what is known the exceedance of the suggested tolerable criteria are significant departures from the acceptable levels.
- 7.6.8 However it is appropriate to consider the length of time that the acceptable flood criteria are exceeded. At two hours the duration of the event is limited. The building provides opportunity for an upstairs refuge for the ground floor residents in the event of an extreme event occurring. As a tidal flood any extreme event will have a high level of predictability even allowing for the advice in Planning Policy Wales Edition 9 that CNC/NRW will not automatically provide or extend its flood warning service there is no reason to think that the future residents will be unaware of a prospective flood event.
- 7.6.9 There is also a fallback position to consider, there is a permission in place for a nursing home (12/1098) which remains extant and capable of implementation. The residents at such a home would likely be more vulnerable than those in this proposal. As a viable

fallback positions this potential use is a material consideration but what weight to give the potential use depends on the likelihood of it occurring. In this case that use is most unlikely to appear on the site and should therefore be given little weight in this consideration.

- 7.6.10 In terms of other flooding criteria that the Welsh Government requires to be considered in planning applications, the site would be raised in flood mitigation. This is an embedded upfront cost with no long term cost implications in terms of maintenance (unlike a flood defence wall for example) so this test is met.
- 7.6.11 The site is dependent on the flood defence banks along the East Bank of the Usk. The developer has not shown these to be structurally adequate but the defences are provided and maintained by CNC/NRW and there is no reason to think they are structurally unsound.
- 7.6.12 The Welsh Government also requires that residents are aware of flood risks, flood emergency plans are in place, that the development is designed to allow goods to be moved away from floodwaters, the development is flood proofed to allow rapid rehabilitation after flooding (location of electrical points, resilient materials etc.) and that the development will not worsen floodrisk elsewhere. A flood evacuation / contingency plan can be conditioned and there is no evidence the moderate landraising proposed will significantly worsen any offsite flooding since the area that would flood (the eastern levels) is very large in extent. The design of the scheme does not allow groundfloor residents any scope to move their possessions to other areas in their control such as upstairs rooms and this is a weakness in the scheme. Internal fitout is a matter for the applicant and future residents and can be dealt with via an informative on any decision to grant permission.
- 7.6.13 In conclusion the proposal does not comply with national guidance on flood risk and with NLDP Policy GP1 since the risk and consequences of flooding cannot be acceptably managed (within nationally recommended criteria). The exceedances in depth and velocity are known and are significant in the event of the 1 in 1000 year (extreme) flood. The rate of inundation and rate of rise of waters are unknown and so the understanding of the extreme flood event is incomplete. However the extreme event is of limited duration at 2 hours. During this time window residents will not be able to leave the site due to the very clear and unacceptable risks to any persons attempting to use the access / egress from the site. It is equally unlikely that anyone will be able to access the site either since the route floods to the extent it is dangerous for all. Additionally the site itself will flood to an unacceptable level and the occupants are likely to be more vulnerable than the average person. They will not be contained on a 'dry' island, the ground floor flats will flood. However in mitigation residents can access an upstairs refuge. There are 15No. one bed flats and 4No. two bed flats on the ground floor giving a typical occupancy of 31 persons (derived from the Outdoor Play Space SPG). Other occupants will be marooned but dry in their flats. Overall there is clear harm to local and national policy to a significant level. NLDP Policy SP3 (flood risk) is contravened since the proposal does not accord with national guidance and Policy GP1i (climate change & flooding) since the consequences of a flood event have not been shown to be acceptably managed in the case of the extreme event. Notwithstanding the short duration of the event these are seen to be significant failures that way against the scheme. However the short duration of the flood event provides a level of mitigation that reduces the overall harm by a substantial degree.

7.7 Amenity Space

- 7.7.1 The New Dwellings SPG requires that flats should have their own private amenity space in the form of balconies. These should be 2.25 square metres for a 1 bed flat and 3 square metres for a 2 bed flat. These are modest spaces. However this proposal does not contain any private amenity space for the residents and does not comply with the SPG requirement. However the proposal will contain modest communal areas for sitting out and for outdoor recreation, raised planters and seating will be provided. The total area of communal space is approximately 160 square metres which is slightly larger than the SPG requirement for private amenity space (140 square metres).
- 7.7.2 In qualitative terms the provided space will be communal and would not be used in precisely the same way as private space but it would still provide a space to sit out in the fresh air and potentially engage in gardening activities. These spaces would be next to the

windows of ground floor flats that would be exposed to a degree of noise and disturbance from the recreational activities taking place in the communal areas but given the older ages of the proposed occupiers and the acknowledged communal elements of living in a flatted block this would be neither unusual nor inappropriate. Overall any harm to Policy GP2v (adequate amenity for future occupiers) is considered to be slight given that outdoor amenity space albeit communal space will be available to occupants and as such any harm to adopted policy including the New Dwellings SPG is considered slight and of little weight in the determination of the proposal. Provision of the space can be required under condition.

7.8 Minor Considerations

- Highway capacity
- Sewerage infrastructure
- Streetscene / boundary treatments
- Air Quality Management Areas (AQMAS) / Contamination
- S106 matters
- Road Noise

7.8.1 There is no evidence that the proposal will over burden the local highway network nor overburden the local sewerage network or any other local infrastructure. Dwr Cymru / Welsh Water require conditional controls over foul sewerage connections to address their concerns.

7.8.2 Boundary treatments are proposed as being red brick walls with railings, steel mesh fencing and hedges. Hedges are not typical of the area but are considered acceptable in context. Details of the walls and mesh fencing can be required under condition.

7.8.3 The development would have minor impact on three Air Quality Management Areas these being Caerleon Road, Chepstow Road (Clarence Place) and Saint Julians (Caerleon Road / M4 Junction). However the magnitude of traffic generation will be low and although environmental standards are already exceeded in these AQMAS it is not considered that the highly marginal harm that would result would be sufficient to justify a refusal of planning permission. The Public Protection Manager has not objected to the proposal but advises that the development should be future proofed by the provision of electric vehicle charging points.

7.8.4 Preliminary investigation has indicated the site is subject to ground contamination and the Head of Public Protection Manager recommends the standard ground contamination is applied to address this issue.

7.8.5 The applicant is required under local policy requirements to provide 20% affordable housing. As it stands the proposal is for 100% of the provision to be affordable. However the Council cannot secure more than 20% of the flats as affordable due to the local policy requirement and it would be unreasonable to seek more. The developer could legitimately dispose of 80% of the dwellings within the open market should he choose to do so. This means it is necessary to put in place arrangements that require any flats which are sold in the open market to provide contributions to education and leisure in the area. Any payments levied would be spent at Saint Julians High School and Glan Usk Primary School. Any leisure payments levied would be spent in the Saint Julians Ward. The applicant has agreed to the proposed terms of the S106 agreement.

7.8.6 The applicant has submitted a noise report which shows that road noise is an issue for any flats that face closely onto local roads particularly at night time if windows are open. The issue can be mitigated if windows are closed but this necessitates the provision of mechanical ventilation in the affected flats. The provision of this can be required under a condition which will require the affected flats to be identified and appropriate mitigation to be provided. The Public Protection Manager does not object to the application on the basis of noise subject to an appropriate condition being applied.

7.9 Planning Balance

- 7.9.1 The proposal contravenes NLDP Policy GP1i (flooding). The contravention is significant but to some extent it is mitigated by the short duration of the extreme flood event. In terms of amenity space the proposal does not meet the SPG requirement to provide private outdoor space (balconies) for flats. However this omission is considered to have very limited harm due to the likely characteristics of the occupants and via the provision of communal amenity space. These issues and the marginal harm to the AQMAs in the vicinity weigh against the proposal.
- 7.9.2 However the benefits of the scheme primarily the provision of 57No. flats to meet the accommodation needs of older persons marginally outweigh these concerns alongside the benefits of bringing this now long derelict site back into productive use. The proposal is acceptable in terms of its massing and its associated impact on neighbouring dwellings. The parking provision is compliant with the Council's adopted Parking SPG or in the worst case scenario the 9 parking spaces that cannot be accommodated within the site can be soaked up within the surrounding streets. The scheme has acceptable design and landscaping. Overall the proposal is on balance marginally acceptable (noting the significant contravention of flooding policy) and permission should be granted subject to planning conditions and a Section 106 Legal Agreement.

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 On balance the proposal is acceptable and permission should be granted subject to planning conditions and a Section 106 Legal Agreement.

10. RECOMMENDATION

GRANTED WITH CONDITIONS SUBJECT TO A LEGAL AGREEMENT WITH DELEGATED AUTHORITY TO REFUSE PERMISSION IF THE AGREEMENT IS NOT COMPLETED WITHIN 3 MONTHS OF ANY RESOLUTION TO GRANT PERMISSION.

Plans Condition

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

- Drawing TDA.1934.01 – Detailed Landscape Proposals
- Drawing EL-C-01 G – Proposed Elevations (Sheet 1 of 2), East & South Facing
- Drawing EL-C-02 G – Proposed Elevations (Sheet 2 of 2) West & North Facing
- Drawing 1617/SF/202 C – Proposed Second Floor
- Drawing 1617/PL11 C – Proposed Site Layout
- Drawing 1617/BB/01 B – Bin Store
- Drawing 1617/FF/201 B – Proposed First Floor
- Drawing 1617/GF/200 B – Proposed Ground Floor
- Drawing 1617/RF/203 B – Proposed Roof Plan

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

Pre-commencement Conditions

FOUL SEWERAGE CONNECTION

02 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The applicant must liaise with Dwr Cymru / Welsh Water to establish an appropriate location for the foul sewerage connection point since connection opportunities are limited within the vicinity of the site and the submitted scheme shall reflect this. The scheme shall also include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

CONTAMINATION

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

a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.

b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to (BS10175/2011), containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.

c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

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

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

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

CEMP

04 Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify:

- The steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust* and waste disposal resulting from the site preparation, groundwork and construction phases of the development
- The management of Heavy Goods Vehicle (HGV) access to the site.
- The means of site enclosure
- The location and heights of any plant and buildings to be located on the site during the construction process
- The location and heights of any spoil tips and piles of materials on the site.
- Details of construction lighting and its hours of use
- Details of off-road contractor parking

Thereafter the approved Construction Environmental Management Plan shall be adhered to at all times.

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

Reason: to protect the amenity of residents from unacceptable disturbance and other nuisance.

Pre-occupation Conditions

BIN STORAGE

05 The Bins Store shall be provided as approved prior to the occupation of the scheme hereby approved. Details of any bin storage additional to the approved bin store shall be provided to the Council in writing prior to the development being occupied. Following the Council's written agreement the agreed additional bin storage shall be provided as agreed prior to the occupation of the site. All bin storage shall be retained as approved / agreed. No other bin storage arrangements shall be provided other than as approved or agreed.

Reason: to provide adequate bin storage and to protect visual amenity.

HARD SURFACES

06 Hard surfaces within the development shall be completed in accordance with the details of Drawing 1617/PL11 C or in accordance with any other details as may be submitted in writing to and agreed in writing by the Council. The approved or agreed surfacing shall be put in place prior to the first occupation of the flats hereby approved.

Reason: in the interests of residential and visual amenity.

PROVISION OF PARKING

07 The parking approved as part of the scheme shall be provided prior to the first occupation of any of the flats and shall be retained thereafter as parking.

Reason: to ensure the scheme is served by an element of off-road parking in the interests of the amenity of residents on the scheme and in the wider area and in the interests of highway safety.

BOUNDARY TREATMENTS

08 Notwithstanding the submitted information. Full details of any gates, fences, walls, railings and any other means of enclosure that is not planting shall be submitted to the Council in writing. Following the Council's written agreement the means of enclosure shall be provided fully as agreed prior to the first occupation of the development hereby approved.

Reason: to protect the amenity of residents and the character & appearance of the area.

PEDESTRIAN ACCESS TO LANE

09 A pedestrian access shall be provided from the development site into the lane between Durham Road and Orchard Mews prior to the occupation of the building.

Reason: to improve the permeability of the site in the interests of residential amenity.

MECHANICAL VENTILATION

10 A strategy to mitigate road noise within the flats which shall have regard to the findings of the Hunter Acoustics Environmental Noise Survey 3054/ENS1 19th June 2013 submitted as part of the application shall be submitted in writing to the Local Planning Authority prior to first occupation of the flats. The strategy shall demonstrate which flats are affected by unacceptable internal noise levels and shall show that the proposed mitigation for those flats will reduce internal noise to acceptable levels for those units. Following the Council's written agreement the proposed strategy shall be implemented fully as agreed prior to the occupation of any flat where mitigation is required.

Reason: to ensure road noise is effectively mitigated in the interest of residential amenity.

COMMUNAL SPACE

11 The communal space, raised beds and seating shown in Drawing TDA.1934.01 – Detailed Landscape Proposals shall be provided prior to the first occupation of the flats hereby approved.

Reason: to ensure adequate levels of amenity space for the future occupants.

FLOOD EMERGENCY

12 Prior to residential occupation of the site the applicant or any successor in title shall prepare a flood evacuation / contingency plan which shall be prominently displayed on the site before any residents move in and shall continue to be displayed thereafter.

Reason: so residents are aware the site floods and what they should do in the event of a flood.

Other Conditions Requiring the Submission of Information

GARDEN STORE

13 Prior to the provision of the garden store full details of its appearance and siting shall be submitted to and agreed in writing by the Council. Thereafter the store shall be provided as agreed.

Directive Conditions

WINDOW REVEALS

14 Windows and doors shall be set back in reveals of minimally 10cm.

Reason: to replicate the style of properties adjacent to the site in the interests of the character & appearance of the area and the design quality of the building.

GREEN SCREEN ON BIN STORE

15 The metal screen proposed for the Elysia Street elevation of the bin store shall be provided within one month of the completion of the bin store building (excluding the screen).

Reason: to support the proposed planting on the site in the interests of the visual amenity of residents and the character & appearance of Rockfield Street.

PLANTING

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

Reason: To secure satisfactory standards of residential and visual amenity.

FFL & GENERAL LAND RAISING

17 The finished floor levels of the ground floor flats hereby approved shall be set at 8.65m AOD and the wider site shall be raised to between 8.4m and 8.5m AOD.

Reason: the site is on a flood plain and the flood risk needs to be mitigated.

ECOLOGICAL ENHANCEMENT

18 Within 1 year of the first occupation of the flats hereby approved a scheme of ecological enhancement fully in accordance with Paragraph 4.34 of the submitted Planning Statement (May 2017) shall be implemented and shall be maintained for a five year period following the date of its full implementation.

Reason: to provide ecological enhancement in the interests of sustainability.

OCCUPANTS

19 The flats hereby approved shall only be occupied by persons over the age of 55.

Reason: older persons exert a lower parking demand and there would be inadequate off-street parking provision for occupiers of a different age profile.

NOTE TO APPLICANT

01 The following unconditioned plans & documents were relevant to this determination.

- Drawing 1617/SO/01 – Proposed Site Overlays
- Drawing PSS-01 – Proposed Site Sections
- Drawing PEO-01 B – Proposed Elevation Overlays, Durham Road & Elysia Street
- Drawing S.7574-03 – Proposed Site Plan Drainage
- Drawing S.7574-01 – Site Survey
- Drawing GVAG01 – Site Plan
- Transport Statement (July 2017)
- Schedule of Plans & Documents (August 2017)
- Applicant's Assessment of Site Sustainability (02.08.2017)
- Ecology Survey (October 2016)
- Environmental Noise Survey 2054/ENS1 (19 June 2013)
- Pre-application Consultation Report (March 2017)
- Planning Statement (May 2017)
- Site Investigation Report 10516/RB/09 (September 2009)
- Site Investigation Report 11903/LP/16/SI (November 2016)
- Flood Consequences Assessment 17-9523 (May 2017)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP9, SP13, SP18, GP1, GP3, GP2, GP4, GP5, GP6, H2, H3, H4, EM3 & T4 were relevant to the determination of this application.

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

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 applicant should consider the installation of electric vehicle charging points to enhance the overall sustainability of the scheme.

06 The applicant should consider installing flood resilient internal fittings on the ground floor since the site lies within an area likely to flood.

APPLICATION DETAILS

No: 15/0775 **Ward:** PILLGWENLLY

Type: OUTLINE (MAJOR)

Expiry Date: 20-SEP-2017

Applicant: C LEWIS, WHITEHEADS DEVELOPMENT COMPANY

Site: LAND FORMERLY KNOWN AS WHITEHEAD WORKS, MENDALGIEF ROAD, NEWPORT

Proposal: CONSTRUCTION OF 529NO. RESIDENTIAL UNITS, 24NO. ASSISTED LIVING UNITS, PUB/RESTAURANT, RETAIL UNITS, PRIMARY SCHOOL AND ASSOCIATED LANDSCAPE AND HIGHWAY INFRASTRUCTURE

Recommendation: GRANTED SUBJECT TO COMPLETION OF SECTION 106 AGREEMENT AND CONDITIONS. FAILURE TO SIGN THE AGREEMENT WITHIN 3 MONTHS TO RESULT IN DELEGATED POWERS TO REFUSE APPLICATION.

1. INTRODUCTION

- 1.1 The site relates to former industrial land located to the south of the City Centre in the Pillgwenlly ward. The site has an overall site area of 17 hectares. It is bordered to the east by Mendalgief Road and to the north by a railway shunting line that separates the site from Cardiff Road. To the north of that is Belle Vue Park with the Royal Gwent Hospital to the north east. A former manufacturing plant, Coilcolor (understood to have ceased trading) is located to the west boundary and beyond that is the former Monmouthshire Bank site that is currently being developed for residential purposes. The 20 Acres Reen watercourse runs along the western boundary of the site. To the south is Maesglas Retail Park with a number of retail outlets. The site is relatively flat although the western boundary rises to the Monmouthshire Bank site, which is approximately 7 metres higher than the Whiteheads site.
- 1.2 Planning permission 14/0964 was granted in January 2015 for the remediation of the site and since then the site has been subject to significant remediation works. Parts of the site have been used as a parking area for the Royal Gwent hospital. This however appears to be unauthorised as the planning conditions imposed on the planning permission 11/0352 (granted on appeal) do not appear to have been discharged, nor has the development been implemented with the approved plans. In any case, permission 11/0352 was granted for a temporary period of five years which expired on 30 April 2017.
- 1.3 The application proposes to provide 529 residential dwellings, 24 assisted living units; a pub / restaurant; retail units; a primary school and associated landscaping and highway infrastructure. The application has been partly submitted in outline with all matters reserved with the exception of what is being termed 'a lock down' area in the western part of the site, which is also submitted in outline, albeit with matters relating to layout and scale submitted for consideration and matters relating to appearance, landscaping and access reserved for subsequent approval.
- 1.4 The application has been reported to Planning Committee as this is a major planning application.

2. RELEVANT SITE HISTORY

07/0062	CONSTRUCTION OF TEMPORARY CAR PARK	Granted with Conditions (expired June 2012)
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11/0352	PROPOSED EXTENSION OF EXISTING CAR PARK TO SERVE THE ROYAL GWENT HOSPITAL FOR USE FOR A PERIOD OF FIVE YEARS	Refused but allowed on appeal (expired 30 April 2017)
12/0971	RETAIN AND EXTEND EXISTING CAR PARK TO SERVE THE ROYAL GWENT HOSPITAL FOR USE FOR A TEMPORARY PERIOD OF FIVE YEARS (AMENDED SITING TO PREVIOUS CARPARK 11/0352 ALLOWED AT APPEAL)	Refused
14/0525	SCREENING OPINION FOR PROPOSED REMEDIATION WORKS ON LAND	Environmental Statement not required.
14/0963	SCREENING OPINION FOR THE MIXED USE REDEVELOPMENT OF THE SITE	Environmental Statement not required.
14/0964	PROPOSED SITE REMEDIATION WORKS AND ASSOCIATED ENGINEERING OPERATIONS	Granted with Conditions
15/0937	PARTIAL DISCHARGE OF CONDITION 05 (BAT MITIGATION)	Approved
15/0998	PARTIAL DISCHARGE OF CONDITION 04 (REPTILE METHOD STATEMENT)	Approved
15/1015	PARTIAL DISCHARGE OF CONDITION 02 (PART B GROUNDWATER RISK ASSESSMENT)	Withdrawn
15/1361	PARTIAL DISCHARGE OF CONDITION 03 (ENVIRONMENTAL MANAGEMENT PLAN) AND CONDITION 07 (JAPANESE KNOTWEED TREATMENT)	Approved
15/1464	PARTIAL DISCHARGE OF CONDITION 02 (RISK ASSESSMENT)	Part Granted/Part Refused
16/1079	PARTIAL DISCHARGE OF CONDITION 2C (REMEDATION STRATEGY)	Approved
17/0155	PARTIAL DISCHARGE OF CONDITIONS 8 (VERIFICATION REPORT, 9 (SOIL AND AGGREGATE, 11 (MONITORING) AND 12 (CONTAMINATION REMEDIATION)	Approved
17/0686	PARTIAL DISCHARGE OF CONDITION 2D (VERIFICATION REPORT) OF PLANNING PERMISSION 14/0964	Approved

3. POLICY CONTEXT

3.1 National Policy

Planning Policy Wales (Edition 9, November 2016)

This Policy documents sets out the land use planning policies of the Welsh Government and is supplemented by a series of Technical Advice Notes.

3.2 Relevant National Technical Advice Notes (TAN)

TAN 2: Planning and Affordable Housing (2006)
TAN 4: Retail (2016)
TAN 5: Nature Conservation and Planning (2009)
TAN 11: Noise (1997)
TAN 12: Design (2016)
TAN 15: Development and Flood Risk (2004)
TAN 16: Sport, Recreation and Open Space (2009)
TAN 18: Transport (2007)
TAN 23: Economic Development (2014)

3.3 Local Policy

Newport Local Development Plan 2011-2026 (NLDP – adopted January 2015). Relevant Policies:

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 SP4 Water Resources favours developments that minimises water consumption, incorporates SUDs and generally manages water resources and drainage effectively.
Policy SP9 Conservation of the Natural, Historic and Built Environment protects habitats and species as well as Newport's listed buildings, conservation areas, historic parks and gardens, scheduled ancient monuments, archaeologically sensitive areas and landscape designated as being of outstanding historic interest.
Policy SP10 Housing Building Requirements states that provision is made for 11,623 units within the plan period in order to deliver a requirement of 10,350 units. The plan seeks to deliver 2,061 affordable units.
Policy SP12 Community Facilities promotes development of new community facilities such as places of worship, cemeteries, health centres, nurseries, museums, public halls, cinemas, concert halls, allotments, leisure use etc. Development that affects existing community facilities should be designed to retain or enhance essential facilities.
Policy SP13 Planning Obligations enables contributions to be sought from developers that will help deliver infrastructure which is necessary to support development.
Policy SP18 Urban Regeneration supports development which assists the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land.
Policy SP19 Assessment of Retail Need sets out the retail hierarchy for where retail development should be located. 1. Newport City Centre; 2. A Defined District Centre; 3. Local Centres; 4. Out of Centre
Policy GP1 General Development Principles – Climate Change states that development should be designed to withstand predicted climate change and reduce the risks and consequences of flooding, minimise energy requirements, reuse/recycle construction material and meet the relevant BREEAM or Code for Sustainable Homes Level.
Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
Policy GP3 General Development Principles – Service Infrastructure states that development will only be provided where necessary and appropriate service infrastructure either exists or can be provided. This includes power supplies, water, means of sewage disposal and telecommunications.
Policy GP4 General Development Principles – Highways and Accessibility states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.
Policy GP5 General Development Principles – Natural Environment states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.
Policy GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.
Policy GP7 General Development Principles – Environmental Protection and Public Health states that development will not be permitted which would cause or result in unacceptable harm to health.
Policy 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 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 T3 Road Hierarchy sets out the road hierarchy which will be used to determine the principle of access for new developments. Strategic Routes are top of the hierarchy, followed by Principal Routes, Local Roads and Access Routes.
Policy T4 Parking states that development will be expected to provide appropriate levels of parking.
Policy R8 Small Scale Retail Proposals states new small scale retail proposals outside of the city and district centres will only be permitted when new residential development would be served or the proposals would cater for under-provision; the proposal is of an appropriate scale; there's no adverse effects on viability of any defined centre; and there are no unacceptable effects on the local amenities or general character of the area.
Policy CF2 Outdoor Play Space Requirements states that when development results in the loss of open space or there is a requirement for additional open space, provision in accordance with the Fields in Trust Standard will be sought.
Policy CF13 School Sites allocates new primary schools at the Former Whitehead Works; Jubilee Park; Glan Llyn (x2) and Llanwern Village.
Policy W3 Provision for Waste Management Facilities in Development states that where appropriate, facilities for waste management will be sought on all new development.

3.4 Relevant Adopted Supplementary Planning Guidance (SPG):

Planning Obligations SPG
Affordable Housing SPG
Wildlife and Development SPG
New Dwellings SPG
Parking Standards SPG
Security Measures for Shopfronts and Commercial Premises SPG
Outdoor Play Space Provision SPG
Trees, Woodland, Hedgerows and Development Sites SPG

3.5 THE HEAD OF REGENERATION AND REGULATORY SERVICES (POLICY OFFICER) has made the following comments:

The site characteristics and constraints can be summarised as follows:

- Situated in the Pillgwenlly ward (inside the settlement boundary), Parking Zones 3 and 4 (southern and northern halves of site, respectively) and the Rogerstone and Newport West affordable-housing area (30% requirement).
- The site lies within flood-risk zone B (see Welsh Government Technical Advice Note 15).
- Constitutes previously developed land (see Figure 4.3 in Planning Policy Wales).
- The land is contaminated (see officer report for planning permission 14/0964).
- The LDP allocates a substantial proportion of the site for housing (policy H1 (51)).
- The LDP allocates part of the site for a new school (policy CF13 (i)).
- Adjacent to a major gas pipeline (southern edge of site).
- Neighbouring uses include two retail parks, an industrial building, Belle Vue Park (a historic park/garden), a new housing estate ("Mon Bank") and long-established housing estates (Mendalgief Road, etc.).
- The nearest railway station (Newport) is approximately 1.00 mile away.

The proposal to build houses, flats, a care home and a primary school on previously developed land, inside the settlement boundary, is acceptable in principle.

The proposed pedestrian/cycle link between Mon Bank and Whitehead Works may help to reduce the sense that the sites have been designed to function independently of each other. The proposal to remove the fence from the eastern site boundary is consistent with the obsolete Whiteheads/Monmouthshire Bank Sidings SPG.

Retail remains concentrated on the continued creation of viable and vibrant retail centres. The sequential approach to development applies to all retail and other uses that are complementary to retail and commercial centres, e.g. the proposed retail and public house. The sequential approach supports the principle that retail and commercial centres are in the most readily accessible location, and promotes combined trips for shopping, business, leisure and services. The approach reinforces the vibrancy, viability and attractiveness of retail and commercial centres. There is however recognition that individual small shops and businesses, such as convenience stores and public houses, can play an important economic and social role, particularly in areas with limited local provision.

In accordance with national and local policy, new retail development outside of a defined centre needs to provide an assessment justifying need, the potential impact on neighbouring centres, and also a sequential test should be provided to demonstrate there are no suitable alternative options in nearby defined centres.

In respect of the proposed development, the applicant has noted that the primary aim of the new A1 and A3 facilities are to serve the new residents which would live at the new development. Thus the new facilities will be provided to cater for new demand, rather than trying to attract existing trade from elsewhere. As a result, there is no reason to suppose the creation of these retail units will threaten the existence of similar businesses in the St Woolos local centre, Commercial Road district centre, or any other defined centre in Newport.

The applicant has provided a limited sequential test, however, in the interests of creating a sustainable new community, it is accepted the A1 and A3 facility are desirable factors. The number of new dwellings at Whiteheads and neighbouring Mon Bank are expected to generate a residential population of approximately 2,600 people, which is considered sufficient enough to support these new retail facilities. Therefore a convenient local retail and food and drink service will be easily accessible on foot from all new homes.

4. CONSULTATIONS

4.1 DWR CYMRU WELSH WATER

No objection to the surface water flows draining to a nearby watercourse. The foul drainage proposal has been produced following a hydraulic modelling assessment which indicates that foul flows will drain to the connection point identified within the report. However, further details are required in order to understand the preferred solution to be progressed. To that effect dialogue with the applicant is ongoing and we are therefore satisfied that a drainage strategy to adequately serve this development can be delivered and controlled through suitably worded planning conditions, as follows:

- 1. No development shall take place until a foul water drainage scheme as identified through a Hydraulic Modelling Assessment to satisfactorily accommodate the foul water discharge from the site has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use and no dwelling shall be occupied until the approved foul drainage system has been constructed, completed and brought into use in accordance with the approved scheme.*

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- 2. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network*

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

A water supply can be made available to serve this proposed development. The site is crossed by a distribution watermain. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times.

4.2 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST (GGAT)
No objections to the proposal.

4.3 NATURAL RESOURCES WALES (NRW)
No objection to the application subject to the following conditions.

European Protected Species (Bats)

A bat roost structure is currently present within the northern part of the site. This was constructed as mitigation under a European Protected Species (EPS) licence for the destruction of bat roosts within buildings on site that have been demolished.

All species of British bats are European Protected Species, protected by The Conservation of Habitats and Species Regulations 2010. Where a European Protected Species is present and a development proposal is likely to contravene the protection afforded to bats, development may only proceed under a licence issued by Natural Resources Wales (NRW), having satisfied three requirements set out in the legislation. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range.' These requirements are translated into planning policy through Planning Policy Wales and Technical Advice Note (TAN) 5, Nature Conservation and Planning September 2009. The planning authority should take them into account when considering development proposals where a European protected species is present.

It is unclear from the information submitted what the impact will be to the existing roost site as a result of the development. However we note and welcome the intention to maintain bat roosting provisions in the north-west corner of the site as indicated on the masterplan and in line with the requirements of an EPS licence.

NRW has no objection to the location of these bat roosting provisions in the context of the proposed scheme and site layout. However no information regarding this roost appears to have been provided setting out the nature of the roost, whether it will be the existing or a new structure and its exact location. We consider that this could be addressed via suitable conditions attached to any permission as follows:

1. *The scheme should be implemented in accordance with drawing number 14022 (05) 101 'Proposed Masterplan' Rev. A, dated 12 June 2015.*
2. *The preparation and submission of a scheme to ensure suitable provisions for bats are maintained on site to be agreed in writing with the LPA prior to the start of works on site. This should include, but not exclusively, details of the bat roosting structure/s to be maintained in the north-west of the site, the exact location of this structure, provision/maintenance of vegetation within the vicinity of the roost structure and connecting to the wider landscape, appropriate management and maintenance of these features. To be implemented as agreed.*

Please note that we have not considered possible effects on all species and habitats listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests. To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or nature conservation organisations such as the local Wildlife Trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing

proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk).

Land potentially affected by contamination

Conditions are requested to require a risk assessment, site investigation and verification, dealing with unexpected contamination during works, ensuring no infiltration of surface water drainage into the ground and prevention of piling.

River Usk Special Area of Conservation (SAC)

The advice in this letter is offered by Natural Resources Wales to assist Newport City Council in reaching a view on the possible significant effect of these proposals on the River Usk SAC in the context of Regulation 61(1) of the Conservation of Habitats and Species Regulations 2010, as amended. Provided that:

- i) Remediation works to treat and/or remove contaminants on site are undertaken as permitted;
- ii) Drainage strategies (surface water and foul water) during both construction and operation incorporate appropriate measures to prevent release of contaminants/pollutants into the River Usk SAC:

We are of the view that the proposed development is not likely to have a significant effect on the River Usk SAC.

River Usk (Lower Usk) Site of Special Scientific Interest (SSSI)

We consider that your letter constitutes the giving of notice to NRW of proposed operations likely to cause damage to the River Usk (Lower Usk) SSSI under section 28I of the Wildlife and Countryside Act 1981 (as substituted by section 75 and schedule 9 of the Countryside and Rights of Way Act 2000). Provided that the above points are addressed, there is unlikely to be a significant adverse impact on the SSSI.

Biodiversity

We have reviewed the Ecology Strategy (section 7.2) of the Design & Access Statement submitted in support of the application and provide the following comments.

Birds: Tree and shrub removal from the site should be minimized. Any essential tree felling, branch lopping or scrub clearance should be avoided during the bird nesting season – generally March to August inclusive. This avoids disturbing wild birds during a critical period.

The Ecology Strategy reports that the invasive species Japanese knotweed are present and so a management plan is required to prevent their spread.

Use of SUDS

Support for the SUDS approach to dealing with managing surface water is supported by Technical Advice Note 15 'Development and Flood Risk'.

4.4 SOUTH WALES FIRE SERVICE

The developer should consider the need for the provision of:

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

4.5 GWENT WILDLIFE TRUST

No objection to the above development, but would like to make the following comments:

We welcome the Landscape Strategy and expect a detailed design and planting plan to be a condition of any planning consent. We would expect this to include the following elements:

- Native planting where possible – we would expect the railway line buffer, Coilcolor buffer, wildlife corridors, North west corner and eco-park to be exclusively native. Native species can support up to twenty times more wildlife than non-native species.

- A wildlife area within the school grounds for education purposes – contact with nature has a wide range of benefits for children, and outdoor learning can be used across the curriculum.
- Wildflower meadow to use an appropriate, native seed mix.
- Railway buffer to be as wide and dense as possible, as this is likely to be the main commuting corridor for bats.
- Additional features such as bird and bat boxes and pollinator hotels, within the development, especially the eco park.

All areas of greenspace should be subject to a management plan of at least 25 years, together with commitment and provisions to manage spaces for biodiversity in the long term. We would also expect a lighting strategy, demonstrating dark areas for wildlife, to be included in the conditions of any planning consent.

Gwent Wildlife Trust is happy to provide the developer with advice regarding creation and management of wildlife habitats. We recommend that you discuss this case with your in house ecologist.

4.6 NETWORK RAIL

No objection but comments on requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Foundations

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

Drainage

All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:

- Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure
- Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

Ground Disturbance

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

Access Points

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

Fencing

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

Site Layout

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

Children's Play Areas/Open Spaces/Amenities

Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railing, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should be not able to be climbed.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Excavation/Earthworks

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Environmental Issues

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

Landscaping

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

Plant, Scaffolding and Cranes

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

Safety Barrier

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

In order to mitigate the risks detailed above, the Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works.

4.7 **WALES AND WEST UTILITIES**
Wales & West Utilities have no objections to these proposals.

4.8 **WELSH GOVERNMENT**
The parties recognise the need for good, reliable data relating to inward migration. It is recognised that improvements to infrastructure and changes to the Severn Bridge Tolls will have an ongoing impact on this area creating a problem for local authorities in assessing housing need. This is particularly affects authorities such as Newport on the border of larger cities or close to the border with England.

The Local Authority has a statutory duty to produce and maintain an up to date Local Housing Market Assessment. As tenure types have diversified to include products such as intermediate rent the determination of what is affordable has become more complex, particularly in light of Newport's broadening catchment for housing. It is anticipated that the data generated from this study will inform this process allowing us to have a better understanding of housing related inward migration.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS)

The scheme has been subject to extensive discussions and the submitted Transportation Assessment is considered to be acceptable. The proposed traffic calming measures are likely to be a betterment by allowing increases in traffic flow. There are no objections to the proposal subject to the applicant entering into a legal agreement to deliver the traffic calming measures and imposition of necessary planning conditions.

5.2 HEAD OF LAW AND REGULATORY SERVICES (PUBLIC PROTECTION)

I refer to the above outline planning application passed to Environmental Protection for comment. I write to confirm that am not in a position to object to the application for outline permission, but make the following statements and recommend conditions to protection future residents from noise

The following comment is based on careful consideration of the following report:

- a) Whiteheads Development Company Ltd (Former Whiteheads)- Site Suitability Addendum, dated 3rd August 2017, by ARUP.
- b) Noise Impact Assessment report dated 27 January 2017, produced by ARUP

The proposed development site is located near an Industrial premise called Coilcolor. The industrial premises is located on the western boundary which currently operates Monday to Friday 8:00 to 16:30 hours, however there are no hours of use restrictions on the site. This means that this industrial premise could operate 7 days a week, 24 hours a day. There are also other external noise sources in the area that may give rise to noise e.g. the retail park to the south and the freight rail and local road networks to the north and east.

The noise report referred to above does provide noise mitigation measures, however the report page 16 point 6.2.3 states "It should be noted that the industry usually closes at around 16:30, and so any adverse effects due to industrial noise during the evening and at night time rarely occur. In this context there are predicted to be no significant adverse impact" and 6.2.2 states "These windows can be openable for purge ventilation and as the occupier wishes".

If future occupants open the windows when/if Coilcolor operates during evening and/or early morning the local authority may receive complaints alleging a statutory noise nuisance. The Local Authority may not be able to resolve such complaints to the satisfaction of the complainants (for example if the business operating from the site can show they are operating to best practicable means then Environmental Health would not be able to take any further action) and the residents may be exposed to internal noise levels above the BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' and World Health Organisation (WHO) Guidelines for Community Noise 1999.

Please note the proposed development of 529 residential dwelling, school and commercial units potentially could have some local traffic noise impact on the adjoining residential areas.

The above acoustic report(s) states the following:

Internal

Within the Whiteheads Development Company Ltd (Former Whiteheads)- Site Suitability Addendum, dated 3rd August 2017, by ARUP page 12, 13, 16 & 17 states the following will be used to mitigate noise“

- i) The detailed site layout could be used to assist in minimising noise disturbance. Orientation of dwellings can be used so that sensitive rooms of the outer residences i.e. those on the perimeter of the site, if possible do not face towards the noise sources, or avoidance/minimisation of doors or windows on these facades which do not have adequate sound insulation.
- ii) The internal layout of the dwellings should be carefully designed to ensure that habitable rooms do not, as far as possible, directly overlook neither of the noise sources i.e. the railway link, the main adjacent road (Mendalgief and Cardiff Road) and/or the Coilcolor company. Also, wherever possible, lobby areas, kitchens, stairways and toilets should be possible be used as buffer zones within the properties.
- iii) To achieve the recommended requirement of 35dBLAeq, 16h, the remaining outer residences overlooking noise sources would require enhanced glazing and ventilation provisions. This level of performance is achievable and an outline indication of the level of mitigation is presented below:
 - Glazing = 33dB Rw + Ctr
 - Ventilation = 34 dB Dnew +Ctr (whole house ventilation system with acoustically rated ventilator or a fully ducted system with attenuator performance)

These windows can be openable for purge ventilation and as the occupier wishes. However they should not be the primary source of ventilation.

Figure 6 and Figure 7 illustrates which properties and facades are likely to require the two levels of enhanced glazing and ventilation mitigation (red and orange colour) based on daytime and night time noise levels.

- iv) Noise barrier along the north of the site (Cardiff Road and the rail line) will also control noise to ground floor rooms in this area, such that enhanced glazing and ventilation may not be required from some buildings. However upstairs rooms will still be affected as described.
- v) A standard thermal double glazed unit with a ventilation opening not exceeding 8000mm² would provide at least 26dB sound insulation (from a façade level) when closed. The resulting equivalent noise level would be 31dB(A).
- vi) The properties deemed to provide screening to other properties would be built prior to the properties that they screen. For example apartment blocks to be delivered in phase 1 would be built before the dwellings located to their rear (page 13).

External Noise

Within the Whiteheads Development Company Ltd (Former Whiteheads)- Site Suitability Addendum, dated 3rd August 2017, by ARUP page 17 & 28 states”

- i) Figure 8, clearly shows that the areas closest to the Coilcolor industrial premises are planned to be used as parking and not amenity areas. The gardens of the block

of flats fronting the industrial premises are located to the back such that there is some level of acoustic screening provided by the building itself.

- ii) Apartment blocks would be constructed before the properties which they screen (page 18)
- iii) Erect a noise barrier/ bund combination to provide noise mitigations sufficient to deliver 55dBLAeq at 1.5m above ground along the northern boundary of the site. To provide at least 10dB noise reduction.
- iv) Use proposed commercial uses, car parking, garaging, bin stores, green or recreational spaces in the areas closest to the rail line and/or road to provide acoustic screening and increase distance”.

Further to the above I recommend that any planning permission granted is subject to the following conditions:

Internal and External Noise for residential dwellings

The applicant must demonstrate the following conditions can be achieved prior to development:

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

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

- No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the maximum day time noise level in outdoor living areas exposed to external noise shall not exceed 50 dBA Leq 16 hour [free field] during the day (7:00 to 23:00). The scheme of noise mitigation as approved shall be constructed in its entirety prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity.

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

- Clearly it will be important for the strategy to demonstrate that it does not compromise the façade insulation or the internal noise levels. Occupiers should not be placed in a position of choosing whether to open the windows to fully ventilate but then experience an external noise. Recommend condition that a mechanical ventilation strategy to be submitted and approved in writing by the Local Planning Authority prior to first occupation of the dwellings having regard to the Whiteheads Development Company Ltd (Former Whiteheads)- Site Suitability Addendum, dated 3rd August 2017, by ARUP.
- Prior to the occupation of the dwellings mitigation measures to the façade glazing shall be installed in accordance with Whiteheads Development Company Ltd (Former Whiteheads)- Site Suitability Addendum, dated 3rd August 2017, by ARUP and Figure 1. If the site layout on which these measures are based is altered, a scheme detailing mitigation measures to be undertaken to the façade glazing shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing.

- Prior to the commencement of development of properties along the northern area, the details regarding the 1.5m acoustic fence should be submitted and approved by the local planning authority having regards to the Whiteheads Development Company Ltd (Former Whiteheads)- Site Suitability Addendum, dated 3rd August 2017, by ARUP. The fence shall be erected prior to occupation of the first residential property along the northern boundary and shall be retained thereafter.
- The Whiteheads Development Company Ltd (Former Whiteheads)- Site Suitability Addendum, dated 3rd August 2017, by ARUP states” The properties deemed to provide screening to other properties would be built prior to the properties that they screen. For example apartment blocks to be delivered in phase 13 would be built before the dwellings located to their rear”. I recommend that this is incorporated into appropriate condition or linked to the phasing plan condition.

Proposed site development of Pub/ Restaurant/ Retail units or as defined in phase 4

There is a proposal to include commercial units (pub, restaurant and retails units) and or assisted living units care home within the proposed development area (phase 4). Environmental Health will require a noise assessment on the potential for noise from the above development(s) affecting nearby residents in the area and future occupiers.

The noise assessment must show that noise emitting from the plant and equipment located at the site shall be controlled such that the rating level is 5db below background, calculated in accordance with BS4142 2014 and to demonstrate the following conditions can be achieved:

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

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

- No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the maximum day time noise level in outdoor living areas exposed to external noise shall not exceed 50 dBA Leq 16 hour [free field]. The scheme of noise mitigation as approved shall be constructed in its entirety prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity.

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

If the noise assessment(s) indicates that noise from the development will impact residents then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the local planning authority. **Therefore I recommend conditioning that further noise assessments will be required before development of phase 4.**

Primary school

Schools are thought as noise sensitive developments, this primary school and associated facilities are located in the south east of the proposed development area. As this is an application for outline permission design, construction and layout may change.

The report Whiteheads Development Company Ltd (Former Whiteheads)- Site Suitability Addendum, dated 3rd August 2017, by ARUP section 6.1.3, Figures 6A, 6B, 6C and Figure 13 has identified that acoustic mitigation measures (enhanced glazing and ventilation) will be required if the primary school and associated facilities are located as per Masterplan figure 13 to achieve internal noise levels.

As the design, construction and layout may change within the permitted boundary, **a condition must be imposed requiring that a specific noise mitigation measures are imposed on the developer of the school to ensure that the internal teaching classroom don't exceed an internal limit of 35 dBLAeq ***and external school playground in accordance with the Building Bulletin 93/ WHO Guidelines 1999.**

*** The applicant should have regard to the Building Bulletin 93: 2015 Acoustic Design of schools - A design guide department for education and skills

I would just like to point out to the applicant that when considering the final proposed layout, that there is a separation distance between the school and residential properties to minimise noise disturbance.

Informative Note: Environmental Health must be liaised with at the design stage of the school to ensure the design and construction ensures adequate noise mitigation measures are imposed to ensure that internal and external noise levels are achieved.

Construction Hours/ Construction Environmental Management Plan (CEMP)

The Noise Impact Assessment report dated 27 January 2017, produced by ARUP states the construction site operations will be:

- Monday to Friday 08:00 to 18:00
- Saturday 08:00 to 13:00 and
- Sunday/Bank Holiday: No operations will be undertaken during Sundays or Bank Holidays.

I would recommend conditioning the above hours and Environmental Health would also recommend the following CEMP condition.

Construction Environmental Management Plan (CEMP)

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. Measures to minimise the impact on air quality should include HGV routes avoiding Air Quality Management Areas 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.

5.3 HEAD OF LAW AND REGULATORY SERVICES (PUBLIC PROTECTION - SCIENTIFIC OFFICER)

In line with the agreed remediation strategy submitted for planning application 14/0964, a clean capping layer of a suitable thickness shall be installed in all private gardens and landscaped areas. A visible demarcation layer shall be installed between the underlying made ground and the capping layer. Furthermore, it has been suggested that additional material may be required to raise the levels for flood defence. I therefore recommend conditions are imposed requiring the provision of a capping layer and any unforeseen contamination found during works to be notified to the Council and remediated.

The submitted air quality report indicates the additional traffic generated from the development will not cause an exceedance of the air quality objective in the local area, in particular Mendalgief Road. Monitoring data along Mendalgief Road indicates current levels range from the low 20s to the low 30s. The development will increase local air pollution, but not above the 40ug/m³ limit. It is agreed that this is likely to be the case.

I therefore have no grounds with respect to air quality to object to the application. However, the development will contribute pollution to the local area, albeit below the air quality standards, there will still be a measureable impact. To mitigate this impact and encourage a modal shift to low / zero emission forms of transport I recommend the following:

- a. Electric vehicle charging points are installed for all residential properties, or at least cabling to allow them to be installed in the future.
- b. Electric vehicle charging points installed for the proposed school and care home. I would also suggest a detailed travel plan is provided for both of these facilities.
- c. Any efforts to encourage active travel should be pursued, this will help reduce the number of vehicles generated by the development and mitigate the air quality impact.

Because the air quality impact is unlikely to breach the air quality objective, I suggest the application is conditioned. However, I recommend these points are taken into account early on during the design phase.

5.4 HEAD OF STREETSCENE AND CITY SERVICES (DRAINAGE OFFICER)

I have now reviewed the application and would have no objection to the drainage strategy in principle. It gives significant betterment over the existing drainage arrangements and is generally well considered, there are a few points that I would seek clarification on however.

- a. Will the surface water pipe network up to the attenuation pond be adopted by WW (if not how will it be maintained)
- b. How will future maintenance of the attenuation pond be secured.

The developer should provide additional detailed drawings and design information when further detailed design has been undertaken, if it is possible to could we condition for this.

With regard to Twenty Acre reen, it is not wholly in the ownership of the Council, as with most water courses it is owned by various riparian land owners. The Council will have ownership of the sections where it passes across or under Council land.

The Council does have enforcement powers with regard to it under the Land Drainage Act 1991 and the owner of a water course must adhere to the requirements of this act. If the developer requires a new connection to the reen they would require an ordinary water course consent from the Council (Streetscene) as the lead local flood authority and permission from the riparian land owner.

No objections to the proposal subject to a condition to control all drainage matters.

5.5 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPING OFFICER)

At this 'strategy' stage, the landscape element of the master-plan looks good. I am pleased to see more landscape space and more detail.

It is not clear, at this scale, whether street trees along the main access roads are in verges, which is what we originally requested. Also, the ecology buffer by the railway does look very thin; even bearing in mind any retained vegetation inside or outside the boundary; as does the retail park boundary.

The flood alleviation pond is considered acceptable subject to detailed design information including cross sections.

There should be shrub planting, as well as retained and infill trees, alongside Mendalgief Road, located as dictated by level changes and trees, to reinforce the visual buffer to the road and to existing houses; and an informal path to link the three, currently separate, green spaces next to the road.

Fully detailed 'hard' and 'soft' landscape and maintenance plans need to be submitted at the appropriate stage.

Could we please see some landscaped, dedicated, footpath / cycle-ways added to the master-plan, to increase permeability and to provide links to and between adjacent neighbourhoods and places of employment?

5.6 HEAD OF STREETSCENE AND CITY SERVICES (TREE OFFICER)

One of the key areas of this development in terms of trees and landscaping is the strong boulevard planting leading off the main access roads from Mendalgief Road. The adopted SPG (January 2017) "Trees Woodland and Hedgerow" supports boulevard planting on residential development sites.

No objections to the proposal subject to a condition for all landscaping details to be agreed including boulevard tree planting requires strengthening to create a strong sense of entrance, place and character and that boulevard trees are planted in grass verges and that the streetscene is not defined by trees used in gardens as this cannot be controlled by the Local Authority and people should be able to choose what and where they plant in their own gardens.

5.7 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY)

No objections to the proposal and support is offered for the bat mitigation proposed.

5.8 STRATEGY AND DEVELOPMENT MANAGER (HOUSING)

Supports the proposal. This area of the City requires the provision of 30% affordable housing of neutral tenure within current policy. Tai Tirion are proposing to deliver a more structured tenure approach due to issues with viability on site, to include a pilot project with regard to intermediate housing products, in partnership with Newport City Council and Welsh Government.

The proposal provides 80 units which are provided either at or below the Local Housing Allowance, including opportunities for shared ownership and properties specifically for applicants over 55 years of age. A further 185 units will be provided at 80% of open market value as a pilot project. All properties will be advertised through the Home Options Newport web site.

As part of the preparation of a Local Housing Market Assessment each local authority has to look at the demand for intermediate housing products e.g. rental products which are above social rent but below open market rents as well as all different options for shared or low cost homeownership opportunities. This is a complex area and often it is difficult to assess demand particularly where it is affected by in migration from adjacent local authority areas and larger cities. Usually it is difficult to collect data from individuals who have taken up alternative housing options such as this; however Tai Tirions unique relationship with Welsh Government makes this data gathering possible. This pilot project will provide valuable insight into the demands for this type of product within the Newport market.

Therefore the housing department fully supports and welcomes the provision of affordable housing at the Whiteheads site.

5.9 CHIEF EDUCATION OFFICER

Newport City Council Education Service makes the following statement in respect of the proposed development at the Whiteheads site, Newport.

The proposed development sits in what is currently within the Maesglas Primary school catchment area, forming part of the secondary cluster of The John Frost School. This area has seen growth in housing and pupil numbers over the years, with a development of C.500 homes currently being built at the Mon Bank development site.

As a result of growing pupil numbers and the impact of existing new housing, we are anticipating a need for around 150 extra school places in the cluster from September 2018. This pressure will be compounded as the Mon Bank development matures. In response the Education Service is planning measures to provide additional pupil places on existing school sites, as an interim measure.

The long term solution to this need involves the creation of a new primary school on the land indicated for education as part of the S106 agreement concerning the Whiteheads development. This school will be of sufficient capacity to meet the education needs of the local community.

Newport City Council does not own any suitable land in the area, and is unable to provide a sustainable solution for known pressures without this land allocation. In this respect the Whiteheads development is critical for sustainable education provision in West Newport.

The cost of the new build school is estimated at £11m. Newport City Council has received £1m from the Mon Bank development, leaving a £10m funding gap for the Council to fill. Accordingly, a bid for match funding for a school at this site is included in the Council's 21st Century Schools Band B programme. While the allocation of land for the school is critical, it is the Education Service's opinion that a further funding contribution towards the school, to reduce this funding gap and/or to support interim measures to accommodate local pupils, should be sought from the developer.

5.10 PLANNING CONTRIBUTIONS MANAGER

1. Introduction

The planning application proposes 529 dwellings, of which 50% is national policy compliant affordable housing. However, paragraph 10.4 of Technical Advice Note 2 (Planning and Affordable Housing), states that when setting site-specific affordable housing targets, local planning authorities should balance the need for affordable housing against site viability. As such, based upon financial viability and the ability to deliver appropriate levels of infrastructure, the LDP stipulates that the Newport West Housing Target Area would be able to sustain a 30% provision. Consequently, it is considered that an LDP compliant provision of 30% represents a reasonable and balanced approach when considering the level of S106 planning obligations to create a sustainable development

Council policy (specified in the adopted Planning Obligations SPG) stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations. As such, only the 'market' units (representing 70% of the development) count towards leisure and education contributions.

S106 planning obligations are normally required to either carry out works or contribute financially towards measures that mitigate the impact of the development i.e. to make an unacceptable proposal acceptable in land use planning terms. However, economic viability is an important material planning consideration on the potential scope and scale of planning obligations, especially when considering wider regeneration benefits of a 'brownfield' LDP allocated site and whether these issues outweigh the harm caused by the loss of any S106 planning obligations.

The District Valuer Services (DVS) has been employed by the Council to review the financial appraisal submitted by the Applicant. The DVS is the specialist property arm of the Valuation Office Agency (VOA). They provide independent valuation and professional property advice to bodies across the entire public sector, and where public money or public functions are involved.

Following an 'open book' appraisal of the Applicants viability report, the DVS has concluded that the Council could not reasonably expect the Applicant to provide further contributions, over and above the following planning obligations.

2. Affordable Housing

The applicant is the Whiteheads Development Company, which is part of the Tirion Group, which is a charitable institution with objectives to deliver affordable housing without the

need for Social Housing Grant. Tirion has been set up to find new ways of financing large scale affordable housing projects.

The planning application proposes 265 national policy compliant affordable dwellings i.e. 50% of the development. This comprises 185 intermediate discounted rent units (35% of the development) and 80 units (15% of the development) comprising: 20 social rented units; 30 shared ownership units; 14 units for over 55s only occupation with rents at Local Housing Allowance rates; and 16 units at Local Housing Allowance rates.

Policy H4 of the Local Development Plan requires 30% on-site provision of affordable housing (on sites with 10 or more dwellings) in the Rogerstone and West Newport area. However, Policy H4 of the LDP also accepts that specific site targets may vary subject to viability and negotiation. The proposal represents a 20% 'additionality' (above the LDP requirement of 30% provision).

In conclusion, given the constraints set by viability issues and the strategic importance of the site in terms of its allocation in the LDP, as well as substantial regeneration benefits, it is considered that the affordable housing provision proposed is acceptable.

3. Education

'School Capacity' is calculated taking account of current school capacities, demand generated by extant permissions and/or Joint Housing Land Availability supply, as well as future pupil number projections over the lifetime of the related planning permission

The development falls within the catchment area of Duffryn High School and Maesglas Primary School. Based upon the scale and mix of development proposed, both schools have a deficit 'School Capacity'. Other potentially serving primary schools (i.e. St Woolos, Gaer and Pillgwenlly) also have deficit 'School Capacity'

Excluding one bed apartments, the market dwellings generate a commuted sum of £2,461,487 (comprising £1,402,005 for primary education and £1,059,482 for secondary education, representing 87 and 68 pupil places respectively)

However, in-lieu of a commuted sum, the Education Department is requesting an 'in-kind' contribution of a 2 hectare remediated site with provision of services up to the boundary of the school site (in order to be able to deliver a 2 form entry primary school, as identified in the Council's 21st Century Schools Band B programme); site to be transferred to the Council by March 2018. This 'in-kind' (land only) contribution is valued at £1,891,395 (which includes both the land value and remediation costs).

An additional £250,000 is allocated for the new primary school, to reduce this funding gap and/or to support interim measures to accommodate pupils generated by the development. This sum will be index linked to the Building Cost Information Service and paid prior to occupation of the first market dwelling.

4. Leisure

Whilst there is surplus capacity of informal play space within the Pillgwenlly ward, there is a deficit of equipped and formal open space.

A scheme of 370 'market' dwellings generates a requirement for 1.83 hectares of leisure provision (comprising 0.29 hectares of 'Equipped' open space and 1.54 hectares of 'Formal' open space). However, the Applicant is providing 2ha of on-site open space. This includes local areas of open space (0.7ha), as well as the Eco Park (1.022 ha) and the bat roost open space (0.226ha).

The Applicant is proposing that a Private Management Company manages and maintains the open spaces. This adheres to Council policy stipulated in the Planning Obligations SPG and will be secured through the S106 legal agreement

In addition, a commuted sum of £75,000 is proposed for the provision and/or upgrading of Pill Playing Fields. This sum will be index linked to the Retail Price Index and paid prior to occupation of the first market dwelling

5. Highways

The developer to provide £20,000 to produce a travel plan (includes survey work and implementation of plan) and £5,000 to provide two bus stops on Mendalgief Rd. This sum will be index linked to the Building Cost Information Service and paid prior to occupation of the first dwelling.

Via a S278 Agreement, the developer will upgrade Mendalgief Rd before first occupation (including road connections into the site, resurfacing and widening Mendalgief Rd, improvement to Belle View junction and flood mitigation works).

6. Conclusion

The above planning obligations have been agreed by the Applicant.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 100m with the application site were consulted (78 properties), 3 site notices displayed, and a press notice published in South Wales Argus. The following representations have been received:

6.2 Owner/Occupier of: 67 MENDALGIEF ROAD

As a resident of Mendalgief Road, Newport, I strongly object to ANY extra roads entering Mendalgief Road as is proposed on this application to build a village on the former Whiteheads Works site. The landscape strategy plan clearly shows 3 access roads to the estate, off Mendalgief Road - Plan 322.01. As residents we must not be put under any more traffic pressure. It's already a nightmare now. Please take access roads via Mon Bank/Cardiff Road, elsewhere. Also why not replace roundabout at Royal Gwent end of Mendalgief Road to regain adequate traffic flow? Traffic lights there are a living nightmare.

6.3 Owner/Occupier of: 126 MENDALGIEF ROAD

It's about the traffic. That is our worry. At the moment, we are trapped in our houses with it front and back. I can't begin to tell you how many car crashes we have had front and back, gates smashed in a all, people cur out of cars front and back of us. What we need is a hospital car park, multistore if possible. We have two doctor surgery's and a dental surgery as well. On clinic day (Tuesday and Thursday) it is mad down here. They are aware of it. We have been to meetings, I hope you can see our side of it when I look out of my window, upstairs all I see is more cars in Whiteheads grounds. Where are all those going to go?

6.4 Owner/Occupier of: 128 MENDALGIEF ROAD

The concerns that I wish to make is about the amount of traffic that is going to be created as we have a major issue at the moment with a lot of cars in the area which I expect you are aware of. I have problems at the moment parking outside my property front and back. I have a garage and car park opposite and I have difficulty getting into it. The cars that are parked in Whiteheads grounds at the moment, where are they going to go? We have two doctor's surgery and the hospital that need car spaces although there is parking for the hospital staff in Whiteheads not all of them use if they park outside our houses and are there all day. It is not houses we need, it is a multi-storey car par for the hospital. I have lived in this house for forty eight years but the last few years have been very stressful with the traffic problems.

6.5 Owner/Occupier of: 150 MENDALGIEF ROAD

I received a letter today explaining the proposed planning for whiteheads site, I live at 150 Mendalgief Road, directly opposite whiteheads and I am disabled, I would like to know how we the residents are supposed to put up with the noise which will be going on for a very, very long time as well as the extra traffic through the builders and demolition people going in and out of the site which would be early in the morning to what time in the evening. We all are very concerned about this and some of us are unable to go to the amended meeting to voice our concerns as we have motability problems. As well as that what about the problem we will then have with rats the same as when the site was cleared we the tenants had to pay numerous times for the rats to be cleared with no compensation to any of us. What about the number of families with small children here how will all this affect them. We

have not been told where the houses will actually sit, or where the proposed restaurant or pub will be we would like to now. If you could send us the plans for build we would appreciate it.

6.6 Owner/Occupier of: 25 CAPEL DEWI HALL ROAD

I am writing with a number of queries regarding this proposed application.

1. Effect of additional traffic / Likelihood of undue noise and fumes – to Mendalgief Road, the proposed housing development including green areas and school, Mon Bank estate – with a high volume of traffic already queuing on Mendalgief Road each evening, and an increasing volume of traffic using Monmouth Castle Drive on the Mon Bank estate as an alternative route to Mendalgief Road, how will the traffic be managed with additional cars entering / exiting the proposed new housing development to access their homes, and at school drop off / pick up to the proposed new school, and how will noise and pollution from waiting vehicles be limited to levels which will not be harmful to the children living in the proposed new homes, attending the school and in the surrounding area?

2. Adequacy of proposed parking and access arrangements – Please can you advise how parking will be designated for the new proposed development? With the Royal Gwent Hospital set to lose their parking area on the former Whitehead steelworks site, how is this to be managed? Will the proposed new housing development be resident permit parking only? If this is the case, how will the Council ensure that people parking for the hospital are not pushed onto surrounding streets, e.g. onto the Mon Bank / Waterloo Gardens estates? Would resident parking permits be an option for these housing estates? I understand that the proposed housing development includes money for a school to benefit the local community, but wouldn't a contribution towards assisting the Local Health Board in providing hospital parking which will not adversely affect residents be more logical considering the impact the proposed housing development is to have on the current hospital car parking arrangements?

3. I also understand that the proposed homes are to be social housing. My concern is that with over 500 homes proposed in this relatively small area, that this will be a high concentration of lower income residents, which we know from the historical council estate model can have a negative impact in terms of safety and security – what are the plans for ensuring that the 3 green spaces included in the proposals and the pedestrian access ways connecting the new proposed housing with the Mon Bank estate will be safe and secure for local residents so that they can be used and enjoyed by families in the areas?

6.7 COUNCILLORS:

Former Cllr. O. Ali: Hoping for a good outcome for Pill. This land has been empty for some time now. The big question they need to answer without looking to put a block on the project is access/entrance points from Mendalgief Rd. The traffic along here is already problematic & residents have already raised this with me. Also in respects of the parking that is already there for the hospital; where would they go?

7. ASSESSMENT

7.1 Description of development

The application has been submitted by the Whiteheads Development Company which is part of the Tirion Homes Group. 'Tirion' is a residential developer, owned by a registered charity. The company aims to provide affordable housing for rent and shared ownership at a discounted rate. Tirion is not a commercial developer or a registered Social Landlord. By law, any surpluses it creates would be recycled into other affordable housing projects.

7.2 Tirion was created to target the Intermediate Rent market by offering homes in a well-managed environment at 80% of prevailing market rents without Social Housing Grant or other form of grant assistance. It seeks to provide homes for young working couples, working singles and single parents; young families and retirees. Tenants would need to meet eligibility criteria that benchmark their household income against local demographics and the prevailing rental market to make sure it targets these groups. It is highly likely that the majority of tenants would be eligible for some form of housing benefit. Tirion asserts that its product forms part of a wider strategy for the delivery of affordable housing which includes Social Rent, Shared Ownership and other forms of Intermediate Rent being

delivered by RSLs and Local Authorities. Tirion's contribution to this wider strategy is based on the delivery of large developments at discounted rent that meets a specific need without calling on scarce public resources. Tirion is uniquely placed to deliver large scale rented communities due to its innovative funding structure.

7.3 Tirion would own the properties for a minimum of 50 years and therefore will be working hard to create a sustainable community and additional benefits including employment and training initiatives.

7.4 Whilst the application has been submitted in outline, the application has been accompanied by a masterplan, which sets out the strategy and proposals for the site in further detail as follows:

- Provision of residential 529 units at a density of 59.15 units to the hectare;
- The layout would provide a majority of 2 or 2.5 storey units. However, it is proposed to provide key buildings within the development and at points along Mendalgief Road of 3 and 4 storeys in height. A street frontage would be provided along Mendalgief Road with a height of 3 storeys. It is proposed to provide a belt of 3 and 4 storey units along part of the western boundary of the site adjacent to the Coilcolor site to help shield the proposed dwellings within the development from the industrial noise;
- Three access points would be provided at different points along Mendalgief Road, to help disperse traffic;
- Provision of a site with an area of 2 hectares in the southern part of the site to allow the Council to provide a new primary school to serve both the new development and existing local communities. This site would provide all weather surface pitches which would have a dual use for the school and for the local community outside of school hours;
- A mixed use parcel with an area of 0.584 hectares in the north eastern corner of the site. Within this area, it is proposed to provide a pub / restaurant (Class A3 use) with a floor area of 582 square metres and a retail use (Class A1 use) with a floor area of 372 square metres
- It is also proposed to provide 24 assisted living units (Class C2 use). These would be located in the area designated for mixed-use development in the north-eastern section of the site.
- Provision of open space within the development. This would include strategic open spaces within the residential layout including at points adjacent to Mendalgief Road. A landscape buffer is proposed between the Coilcolor site and proposed residential properties and along the northern boundary with Network Rail land. An Eco Park is proposed within the south west corner of the site together with an attenuation pond and a Landscape Park is proposed in the north western corner of the site where it is aimed to retain trees where possible and provide a bat roost;
- Whilst the Coilcolor manufacturing plant is outside the site boundary, the vehicular access route to the industrial unit, its services and water treatment works are located within the site.
- A footway and cycle link is proposed to link the site with the 'Mon bank' site to the west, subject to third party agreement.

In terms of the housing mix, it is proposed to provide the following:

- 1 bed flats – 70
- 2 bed flats – 148
- 2 bed coach house – 6

- 2 bed house – 79
- 3 bed house – 174
- 4 bed house – 52

7.5 **Principle of Development**

The site is allocated in the Newport Local Development Plan (NLDP) for housing under Policy H1 with an expected total capacity of 400 units. The site is also allocated for the provision of a new school, defined by Policy CF13(i). The site is within the settlement boundary and comprises a site in need of regeneration and so is supported by Policy SP18 of the NLDP, which favours proposals that assist in the regeneration of the urban area. In this context a residential-led scheme is considered acceptable in principle.

7.6 In addition to the above, the proposal would involve an element of retail and leisure facilities with the inclusion of a 582 square metre unit for a pubic house/restaurant and a 372 square metre unit for a retail use (Class A1 use). Whilst the full assessment of this aspect of the scheme is provided under paragraph 7.9 of this report, the inclusion of these units is considered acceptable in principle, as they are intended to primarily serve the new residents which would live at the new development and that at the adjacent 'Mon Bank' estate. Thus the new facilities will be provided to cater for new demand, rather than trying to attract existing trade from elsewhere, particularly those within established city, district and local centres. As such, the principle of these units on the development site has been supported by the Head of Regeneration and Regulatory Services (Planning Policy Officer).

7.7 **Design and layout**

The Masterplan has been informed by a Design and Access Statement and a Planning Statement which considers the design rationale of the development and how the scheme satisfies relevant planning policies and guidelines.

7.8 Since this is an outline application with all matters reserved for subsequent approval, this submission considers the acceptability of the broad principles of the development rather than specific features such as the design and appearance of buildings, window positions and location of parking facilities.

7.9 Notwithstanding the above, a Masterplan and supporting statements have been provided which enables the Authority to consider the broad principles of development, including general design and layout matters. Many of these attributes have already been highlighted under Paragraph 7.4 of this report, however the bulk of the site would be for residential, with a variety of house types up to 2 or 2.5 storey units and apartment blocks reaching up to four storeys. The layout and number of units to be provided within the residential quarters suggests a development that would generally have medium density with higher clusters of units located on the periphery of the site, comprised of taller apartment blocks. Through the inclusion of a number of on-site open spaces and landscaping, the Masterplan reflects that a layout that would be compatible within this part of Newport.

7.10 Notwithstanding the above, there are limited areas within the residential element of the site which has been subject to extensive discussions and negotiations. This has been borne from comprehensive noise surveys that have been undertaken which has been thoroughly scrutinised by the Head of Law and Regulatory Services (Public Protection).

7.11 In this respect, given the proximity of the Coilcolor Industrial unit to the proposed residential units along the immediate western boundary of the site, the proximity of the railway line to residential units along the northern boundary of the site and the proximity of a smaller number of residential units fronting Mendalgief Road to road traffic, there has been agreement between the Authority and the applicant/agent, that various parts of the Masterplan, particularly the layout and scale of buildings have become fixed. These specific units have been identified by drawing number 14022 (05) 109 – Parameters Plan – 'Locked Down' Area. Those apartments to the west of the site (backing onto Coilcolor) are required to be in a specific location and scale as they act as noise barriers to other internal parts of the site. Furthermore, these apartment blocks will require noise mitigation measures to protect the amenities of the future occupiers of these units. Finally, additional noise mitigation measures would be provided along the northern boundary of the site and within

the elevations of those properties adjacent to this boundary, due to the proximity of the railway line and Cardiff Road. A more detailed consideration of noise issues and impact upon residential amenity is provided under Paragraph 7.69 of this report.

- 7.12 Due to the noise-related constraints of the site, parts of the Masterplan have been refined to a greater extent that would normally be undertaken to a plan accompanied by an outline application where all matters are reserved for subsequent approval. A phasing plan has been submitted which has been subject to revisions following discussions with the agent and the conclusions of various reports and assessments that accompanied the application, particularly noise, drainage and transportation.
- 7.13 In this respect, the applicant has acknowledged that to effectively deliver the site, there would be a need to develop the site in a particular order. For example, various road and utility infrastructure works would represent an appropriate starting point for the development followed by the need to deliver various mitigation measures, such as apartment blocks and boundary treatments which act as acoustic barriers to other parts of the site.
- 7.14 The phasing plan 14022 (05) 102 Rev G – Proposed Phasing has taken these matters into account, thereby establishing the principles of how the site would be brought forward for development. As a result, the Authority can conclude that the site, 'in principle', is capable of accommodating residential development (of up to 529 units) within the residential quarters defined by the Masterplan.
- 7.15 With regards to the mixed-use quarters, this would include the public house/restaurant, retail unit and assisted living units and would be located at the north-eastern corner of the site. This area is likely to be the most publicly visible part of the development, benefiting from a frontage facing Mendalgief Road and possible views from the Mendalgief Road/Cardiff Road junction. The suggested layout indicates that approximately three of the boundaries of this mixed-use quarters would not be immediately adjacent to the residential quarters as it would be separated by Mendalgief Road (east), landscaped buffer with the railway line and Cardiff Road (north) and one of the principal access and estate roads serving the development (south). This arrangement assists in improving the compatibility and transition between the more commercialised quarters with the residential areas.
- 7.16 Land for a new school would be provided in the south-eastern end of the site. The location of the education quarters generally coincides with the allocation within the NLDP, therefore there has been a strategic approach to site layout. In this regard, this parcel of land would be primarily adjacent to Mendalgief Road (west), Mendalgief Retail Park (south), the access road to the Coilcolor site and the Eco Park (west) and the residential quarters of the development (north). Whilst this outline application does not seek to consider the precise details of the school, this parcel of land, is considered in principle to be compatible to existing and proposed uses.
- 7.17 The development site would be supported by a network of principal and secondary roads which would provide a legible and accessible layout, supplemented with appropriate landscaping to add visual interest and diversity in the streetscene. Several open spaces would be provided throughout the site, including an Eco-Park at the south-western end and an informal wildlife habitat at the north-western end. This would enhance the environment and amenity for those that would be residing at the site with added benefits to the wider community.
- 7.18 Having regard to the above, it is considered that the general design and layout principles of the development is acceptable, thereby providing an attractive mixed-use development in an area that requires regeneration and much needed housing and education facilities.
- 7.19 **Non-residential uses/community facilities**
It is proposed to provide a retail store (Class A1) and a pub / restaurant (Class A3). These uses would serve a substantial new residential development and would be located within the development to complement and maximise residential amenities.

- 7.20 Retail remains concentrated on the continued creation of viable and vibrant retail centres. The sequential approach to development applies to all retail and other uses that are complementary to retail and commercial centres, e.g. the proposed retail and public house. The sequential approach supports the principle that retail and commercial centres are in the most readily accessible location, and promotes combined trips for shopping, business, leisure and services. The approach reinforces the vibrancy, viability and attractiveness of retail and commercial centres. There is however recognition that individual small shops and businesses, such as convenience stores and public houses, can play an important economic and social role, particularly in areas with limited local provision.
- 7.21 In accordance with national and local policy, new retail development outside of a defined centre needs to provide an assessment justifying need, the potential impact on neighbouring centres, and also a sequential test should be provided to demonstrate there are no suitable alternative options in nearby defined centres.
- 7.22 In respect of the proposed development, the applicant has noted that the primary aim of the new A1 and A3 facilities are to serve the new residents which would live at the new development. Thus the new facilities will be provided to cater for new demand, rather than trying to attract existing trade from elsewhere. As a result, there is no reason to suppose the creation of these retail units will threaten the existence of similar businesses in the St Woolos local centre, Commercial Road district centre, or any other defined centre in Newport.
- 7.23 The applicant has provided a limited sequential test, however, in the interests of creating a sustainable new community, it is accepted the A1 and A3 facility are desirable factors. The number of new dwellings at Whiteheads and neighbouring Mon Bank are expected to generate a residential population of approximately 2,600 people, which is considered sufficient enough to support these new retail facilities. Therefore a convenient local retail and food and drink service will be easily accessible on foot from all new homes. As such, the principle of the inclusion of the A1 and A3 units on the development site has been supported by the Head of Regeneration and Regulatory Services (Planning Policy Officer).
- 7.24 Notwithstanding the above, to ensure that this development primarily caters for new demand generated by the proposed development and that from 'Mon Bank', it is considered necessary to impose conditions limiting the floorspaces of these uses to those stated within the Masterplan (A1 = 372 square metres / A3 = 582 square metres). As these would be single units and to avoid weakening established city, district and local centres, it is considered necessary to impose a condition which restricts the ability to subdivide these into smaller units and restrict the ability of the A3 unit to utilise its permitted development rights to change its use to A1 or A2 use.
- 7.25 The scheme also aspires to provide pedestrian connectivity with the adjacent 'Mon Bank' residential estate, however this arrangement would be reliant on a third party. Whilst the 'Mon Bank' estate is built at a much higher level to this application site, it would be possible, in principle at least, to provide a pedestrian connection to the walkway/cycleway which travels at a lower level, along the periphery of the 'Mon Bank' site.
- 7.26 **Highways and transport**
The application has been accompanied with a Transport Assessment, a Technical Note and an addendum to the Transport Assessment following an increase in the number of residential units proposed on the site.
- 7.27 This is an outline application with all matters reserved for subsequent approval. This includes the precise means of access and specific details relating to highway infrastructure such as carriageway and footway widths, visibility splays and the precise level of parking to be provided.
- 7.28 Notwithstanding the above, there is a requirement for outline applications to demonstrate basic but key details relating to how the site could potentially be developed. In this respect, a Masterplan has been produced, supplemented by a plan showing the potential access points and routes to, from and within the site. This plan indicates that the site access points serving the entire development would be from Mendalgief Road. In this respect, the

proposed Masterplan and supporting Transportation Assessment indicates three points of access on to Mendalgief Road, all of which will take the form of priority junctions. It is indicated that the junctions have been specifically designed to mirror the streets on the opposite side of Mendalgief Road, therefore integrating the development into the existing network and community structure. It is also indicated that a further access to the primary school will be situated in the southern corner of the site, adjacent to Jeddo Close, in the form of a priority T-junction.

- 7.29 The plan also demonstrates potential principle streets which are generally wider and defined by purposeful trees and landscaping. Secondary routes are also proposed which would provide access to cul-de-sacs, minor streets and green spaces. The scheme also aspires to provide pedestrian connectivity with the adjacent 'Monbank' residential estate. It is anticipated that the existing (unadopted) highway that runs through part of the site, connecting the Mendalgief Retail Park and the Coilcolor factory would remain.
- 7.30 Mendalgief Road is subject to an existing 20mph speed limit and traffic calming features have been situated along its length as it is generally a straight section of highway and speeds could be high if not controlled.
- 7.31 The site is the former Corus steelworks and galvanising plant which was closed in 2005 and has since been demolished to ground level. For a period since demolition, some of the northern section of the site has been used temporarily as a hospital car park. A planning application in 2011 for the retention and extension of this car park was refused but allowed on appeal (11/0352 refer). It was granted temporary permission (5-years) to retain the car park and to increase the number of spaces from 304 to 943. This permission lapsed on 30 April 2017 and is currently unauthorised. Notwithstanding the above, this decision and the number of parking spaces permitted has informed the Transportation Assessment which has accompanied the application.
- 7.31 The Transportation Assessment proposes to replace the existing priority narrowing features along Mendalgief Road with a new scheme which incorporates the proposed site access junctions. New low-level junction tables with coloured surface treatment will be provided along Mendalgief Road which will be more appropriate within this residential context and will help to reduce vehicle speeds by enforcing the existing 20mph speed limit. The placement of buildings within the development immediately adjacent to the eastern site boundary is intended to change the character of Mendalgief Road as per National Government Guidance 'Manual for Streets' where activity within the street heightens motorist's awareness, reduces vehicle speeds and improves the environment for pedestrians and cyclists.
- 7.32 The scheme will also provide two new bus stops and the draft proposals for the Traffic Calming Measures have been provided within Appendix E of Traffic Assessment.
- 7.33 The results of the junction modelling demonstrate that the proposed site access junctions are appropriate to serve the development with little to no predicted queuing in either peak periods. When combined with the proposed Mendalgief Road traffic calming scheme, the new junctions will improve the character of the road to reflect the residential area in which they are located, and seek to reinforce the 20 mph speed limit through physical traffic calming by introducing activity and vehicle turning movements on the street frontage.
- 7.34 Some of the assessed junctions experience some small delays but this is entirely normal for busy urban junctions. The traffic effect of the development at the Cardiff Road junction is less than the current situation and therefore has a beneficial effect. All priority and roundabout junctions operate within capacity in all tested scenarios. It should also be acknowledged that the steelworks, when operational, generated a significant movement of HGVs and associated highway and amenity effects which this development would not create.
- 7.35 The forecast total (gross) number of trips for the each use within the proposed development is summarised below:

Period	Category	Arrivals	Departures
AM	Residential (529 units)	108	290
	Assisted Living (24 units)	2	1
	Commercial – pub / restaurant	0	0
	Commercial – local shops	20	15
	Primary School (staff and pupils)	86	36
	Total	216	342
PM	Residential (529 units)	240	122
	Assisted Living (24 units)	2	3
	Commercial – pub / restaurant	14	10
	Commercial – local shops	8	14
	Primary School (staff and pupils)	0	10
	Total	264	159

- 7.36 It should also be noted that the above vehicle movement does not take into account any modal shift to more sustainable travel, as detailed in, and supported by the Travel Plan that has been submitted with the application. The proximity to local employment centres, as well as retail and leisure destinations which are connected to the site by good and efficient footway/cycleway links and existing high frequency bus corridors means that there is likely to be high propensity for people to travel sustainably. It is also recognised that the proposed local commercial centre within this development would provide benefit for future occupiers of the site and existing nearby residential areas which could also reduce the impact of vehicular trips.
- 7.37 Whilst it is acknowledged that temporary permission was granted for a 943-space car park on the site and this has now recently expired, the addendum to the Transportation Assessment concludes that the potential effects of the car park would be even higher than that of the proposed development. Temporary permission was only granted on the basis that there is a clear commitment within the Newport Local Development Plan to develop the site for residential and educational uses. Therefore, whilst the temporary car park fulfilled a need during the transitional period of the site being cleared and remediated from its previous industrial use, it has always been the intention that the site would be brought forward for its allocated purpose.
- 7.38 The Head of Streetscene and City Services (Highways) has explained that the scheme has been subject to extensive discussions and the submitted Transportation Assessment, the addendum and relevant modelling and forecasts are considered to be acceptable. The proposed traffic calming measures are likely to be a betterment by allowing increases in traffic flow. As such, there are no objections to the proposal.
- 7.39 Notwithstanding the above, as the Transportation Assessment and associated modelling/forecasts on flows are based on the proposed scheme, it is considered necessary to limit the residential element of the permission to 529 dwellings and 24no. assisted living units so as to avoid any potential adverse effect on the capacity of the highway network. Furthermore, as this is an outline application which effectively seeks to agree the principle of the development, it is considered necessary to impose several highway-related conditions, such as, full engineering details, a Construction Environmental Management Plan and off-street parking requirements. Further conditions will include: restricting any vehicular access to serve the proposed residential and education quarters from the Coilcolor access road; the requirement to provide full details of any pedestrian crossing point which intersects the Coilcolor access road; the submission of details of boundary treatments to be erected along the eastern end of the Eco Park which abuts to the Coilcolor access road and for details of any pedestrian links to the cycleway/walkway adjacent to 'Mon Bank'. These conditions are considered necessary to improve the integration and relationship of the various land-use allocations within the development and to limit pedestrian/vehicular conflict. It is also considered necessary for the applicant to

enter into a legal agreement to deliver the traffic calming measures which, in principle, are considered acceptable.

- 7.40 Subject to the above, it is considered that the proposal would not have a significant adverse effect on parking, transportation sustainability matters or highway/pedestrian safety. This outline scheme therefore satisfies Policies SP1, SP13, SP14, SP15, GP4, T3, T4, R8 of the NLDP and SPG Documents: Parking Standards and Planning Obligations.
- 7.41 **Landscaping, Ecology and Biodiversity**
Since this is an outline application with all matters reserved for subsequent approval, full details of landscaping has not been provided with this submission. However, the Masterplan and associated plans have included the 'in-principle' details of how the site would be landscaped. In this respect, a landscaping plan has been submitted.
- 7.42 Currently, the site has largely been cleared following significant land remediation works. However, there are some trees and vegetation located along the periphery of the site, mainly along the northern boundary which is adjacent to the railway line and Cardiff Road.
- 7.43 Given the proximity of the site to the Coil Color industrial unit along the western boundary, it is proposed to soften the impact of this unit by providing a landscaped buffer zone. The Masterplan has also made allowances for an easement for the reën which exists along the western boundary of the site.
- 7.44 Towards the north-western tip of the site there would be a landscaped park which currently consists of a bat roost which formed part of the ecological mitigation strategy for application 14/0964 for the site remediation works.
- 7.45 It is also proposed to provide an Eco Park which would consist of a larger parcel of open space with landscaping and paths, supplemented by a pond which forms part of the drainage strategy as it aims to act as attenuation in managing surface water discharges. This, in principle, would provide an attractive and effective method in enhancing the biodiversity, ecology, drainage and recreational infrastructure of the site, to the benefit of future residents on the site and the local community.
- 7.46 In addition to the above, the Masterplan and Landscaping Plan indicates a mixture of smaller public open spaces scattered throughout the site which would provide focal points to various cul-de-sacs and residential streets and provide effective visual transitions between phases, uses and the extent of buildings and hard, physical features. Furthermore, the Masterplan suggests that various landscaped features would be fronting Mendalgief Road which would significantly improve the character and dynamics of the street as it is perceived by the local community.
- 7.47 It must also be recognised that the proposed site for a school would also include its own recreational spaces, thereby contributing to the open and green spaces within the site and its proximity to the Eco Park could act as an educational resource.
- 7.48 Throughout the site, the Landscaping Plan indicates that a variety of species of trees and plants would be included in the landscaping of the site, thereby providing visual interest and raising the biodiversity and ecology interests of the site throughout the year.
- 7.49 Across the site, the Masterplan and Landscaping Plan indicates a network of principle green streets, secondary streets and mews streets which provides a clear sense of hierarchy across the site, with legibility aided by contrasts in planting and paving materials.
- 7.50 Tree avenues to 'principle' streets provide a vertical element to balance the height of the houses and soften the built form. Smaller ornamental trees and shrubs would be planted in domestic gardens and strategic planting areas.
- 7.51 Fewer details have been provided with regards to hard landscaping across the mixed-use site, however it is acknowledged that specific features would be subject to any subsequent detailed application.

- 7.52 The Council's Landscaping Officer and Tree Officer are satisfied that the Masterplan and associated Landscaping Plan are acceptable 'in principle', to satisfy the requirements of this outline application. It is however noted that the Tree Officer has made reference to the precise location and type of trees to be planted on the principle 'boulevard' streets, as they should not be defined by trees used in gardens and should be dedicated landscaped verges. This has been acknowledged and since it is considered to be a key design characteristic of the Masterplan, a condition would be imposed to ensure that this is included in any subsequent reserved matters application. In addition to the above, conditions have been recommended for all hard and soft landscaping to be agreed as this will enable the Authority to effectively control the location, amount and suitability of these matters to deliver a scheme which integrates within its environment, predominantly to the benefit of the visual amenities of the area and ecology and biodiversity interests. Subject to the above, it is considered that this outline scheme satisfies Policies GP5 and GP6 of the NLDP and SPG Documents: Wildlife and Development and Trees, Woodland, Hedgerows and Development Sites.
- 7.53 With regards to Ecology, the site is not within any designated site for nature conservation. An Extended Phase 1 Habitat Assessment was prepared for the site as part of application 14/0964 for the site remediation works. At that time, appropriate mitigation was secured through conditions which have since been discharged and the mitigation implemented.
- 7.54 Of note was the requirement to provide a dedicated bat roost which has been installed in the north-eastern section of the site (15/0937 refer), the submission and implementation of a reptile method statement and mitigation strategy (15/0998 refer) and a scheme for the eradication of Japanese Knotweed (15/1361 refer). These details were considered acceptable to the Council's Ecologist. The majority of the site has subsequently been cleared as part of the remediation works. As a result, but notwithstanding the mitigation measures, it is considered that the site in its current form has limited ecological value as it has been prepared for future development works.
- 7.55 Turning to the proposed development, the Masterplan and Landscaping scheme, in principle, has the potential to provide significant ecological and biodiversity enhancements. The principle of landscaping buffer zones, open spaces and an Eco Park to include a wetland area are considered to be a positive approach in raising the ecology and biodiversity value of the site and is supported by Gwent Wildlife Trust with informative notes on specific issues to be considered by any subsequent detailed applications. According to Paragraph 5.2.8 of Planning Policy Wales, "The planning system has an important part to play in meeting biodiversity objectives by promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable. Local planning authorities must address biodiversity issues, insofar as they relate to land use planning, in both development plans and development management decisions". It is also noted that Section 40(1) of Natural Environment and Rural Communities Act 2006 (NERC) places a duty on every public authority, in exercising its functions, to "have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". Technical Advice Note 5 and the Council's Supplementary Planning Guidance: Wildlife and Development also reinforce the requirement of enhancing biodiversity and ecology interests within proposed developments. Whilst the green infrastructure associated with the development is considered acceptable in principle, it is considered necessary to impose a condition for a scheme of biodiversity and ecology enhancements to be incorporated within the scheme, thereby satisfying Policies SP1, SP9, GP5 of the NLDP.
- 7.56 Natural Resources Wales has acknowledged the previous mitigation measures which was subject to a European Protected Species Licence, however they note that it is unclear from the information submitted what the impact will be to the existing roost site as a result of the development, especially at this outline stage. In this respect, the bat roost is located in the Landscaped Park located in the north-western section of the site and would be detached from the areas that would be subject to intensive physical development, namely the residential areas. Notwithstanding the above, Natural Resources Wales has recommended conditions for the development to be carried out in accordance with the Masterplan and that suitable bat mitigation is retained on the site. This is considered reasonable as it would provide effective transitional arrangements between the mitigation measures imposed by

application 14/0964 and the future development proposals of the site prescribed by this outline application.

- 7.57 Natural Resources Wales consider that the proposed development is not likely to have a significant effect on the River Usk Special Area of Conservation (SAC) or the River Usk Site of Special Scientific Interest (SSSI) subject to conditions to control land contamination and drainage matters. It should be noted that site is approximately 700m away from the River Usk and that the previous industrial uses has been removed with the site subject to remediation works. Whilst conditions would be imposed to control the remaining elements of contamination, this proposal is likely to improve the overall environmental conditions of the locality with no significant adverse effect on the SAC, SSSI and any other biodiversity/ecology interests.
- 7.58 There are no trees on site which are protected by a Tree Preservation Order. The site has largely been cleared with any remaining trees and vegetation primarily located on the periphery. It is acknowledged that an application to partially discharge the condition for the eradication of Japanese Knotweed (15/1361 refer) was approved, however no full discharge has been sought. As such, there may be invasive species still present within the site and it is considered prudent to impose a condition to ensure that the invasive species are controlled and eradicated from the site. Whilst the proposal may involve some tree felling, especially if ground levels are to be altered by any future development, it is the intention of the landscaping scheme to provide planting and reinforce existing or provide significant landscaped areas. This is considered acceptable, in principle, subject to conditions for all landscaping being agreed. NRW have no objections to the proposal subject to conditions and informative notes and, as such, it is considered that the proposal would not have any significant adverse effect on biodiversity and ecology matters, thereby satisfying Policies GP5 and GP6 of the NLDP, SPG Documents: Wildlife and Development and Trees, Woodland, Hedgerows and Development Sites and through securing biodiversity enhancements, the Local Planning Authority has demonstrated that they have exercised their duties under the NERC Act 2006.
- 7.59 **Contamination**
The site has been subject to extensive remediation works which was granted planning permission in 2014 (14/0964 refers) and subsequently subject to a number of conditions which have been partially discharged (Refer to Section 2.0 – Planning History of this report). This permission and associated conditions covered many aspects of contamination particularly in interests of human health and to limit ground water pollution from affecting various amenity, ecology and biodiversity issues.
- 7.60 With regards to human health and further ground water pollution, there is a need to undertake further remediation works to enable the site to be occupied by alternative uses such as residential. It is however acknowledged that the extent of remediation needed to bring the development to this standard is anticipated to be of a lesser extent than previously undertaken on the site as the bulk of the most harmful of contaminants have been addressed. As such, the contamination present on the site is considered to be such that it can be treated or dealt with to avoid adverse contamination of the water environment and to avoid adverse human health effects.
- 7.61 This has been acknowledged by Natural Resources Wales and the Council's Scientific Officer who have no objections to the proposal subject to conditions, of which have been amalgamated. It is therefore considered that the proposal would not have any significant adverse effect on groundwaters, amenity and human health, thereby satisfying Policies SP2, GP2 and GP7 of the NLDP.
- 7.62 **Drainage, Water supply and Utilities**
The site lies within Zone B flood risk area, as defined by Technical Advice Note 15: Development and Flood Risk (TAN15). This is an area which is known to have been flooded in the past evidenced by sedimentary deposits. Such areas may be subject to localised flooding. Whilst flooding can be a material consideration, TAN15 explains that new developments are appropriate in Zone B. In this particular case, prior to the demolition works on the site, it was served by positive drainage discharging, via a pumping station, to the Twenty Acres Reen. Large parts of the site were also covered by impermeable

surfacing. A Drainage Strategy has been submitted with the application which has been examined by Welsh Water, Natural Resources Wales and the Council's Drainage Officer.

- 7.63 With regards to surface water, ground investigation work has demonstrated that due to the soil characteristics and the potential for mobilisation of contaminants, the site is unsuitable for the use of soakaways or infiltration systems. The Strategy therefore intends for surface water to discharge into the Twenty Acres Reen. The scheme would incorporate a Sustainable Drainage System (SUDS) by means of providing surface water attenuation employed via a flow control device and storage pond located in the proposed Eco Park, to reduce peak run-off rates. Proposed finished site levels will prevent drainage by gravity into the reen. Rather, it is intended to be drained by gravity to a suitable low point along the western boundary and then pumped into the reen via the flow control device and pond storage. The pump associated with the surface water is likely to be located below ground with a small control kiosk above ground.
- 7.64 With regards to foul water, the Drainage Strategy has been informed by a Hydraulic Modelling Exercise undertaken by Welsh Water. The proposed foul drainage solution comprises gravity foul sewers within the site to a point of collection on the eastern boundary. A pumping station is proposed at that point with rising main along Mendalgief Road to an existing sewer network on Courtybella Terrace. It is likely that the pump associated with the foul water would be located below ground and a buffer zone provided between the station and habitable buildings.
- 7.65 The indicative details of the proposed drainage infrastructure have been shown on a plan included within the Drainage Strategy. It is also noted that there are existing servicing arrangements for the adjacent Coil Color Industrial Unit located within the site. These are located alongside the existing access road to the Unit. It is intended for these facilities to remain in this location and below ground so as to not affect the proposed Eco Park or other uses.
- 7.66 Welsh Water and the Council's Drainage Officer has no objections 'in principle' to the proposed Drainage Strategy and there is sufficient capacity at the local Waste Water Treatment Works. As such, the proposal is unlikely to materially increase the risk of flooding. Notwithstanding the above, it is considered necessary for the specific details associated with surface and foul water discharges to be agreed. This would include engineering details, routing and the location and specification of the pumping and flow control device for surface water and the pumping station for foul water.
- 7.67 The applicant has confirmed that it is unlikely at this stage that Welsh Water would adopt the drainage infrastructure. Whilst this position may change in future, in the event that it is not adopted, it is considered prudent for the drainage condition to include details of the maintenance and management of all drainage infrastructure, including the attenuation pond. Subject to the above conditions, it is considered that the development would be adequately served with drainage facilities, thereby satisfying Policies SP1, SP4 and GP3 of the NLDP.
- 7.68 The site comprises of brownfield land and is located within the urban area where there is a clear built environment. Under such circumstances, it is considered that the site is within reasonable proximity to other utilities necessary to support this development. It is noted that Wales & West Utilities have no objections to these proposals.
- 7.69 **Residential amenities**
The site has previously been in industrial use, in an area which has a mixture of residential and commercial uses. Of note is the recent residential estate of 'Monbank' to the west, the established residential estates of Pillgwenlly to the east and retail parks to the south. In general terms, and in the context of the amenity of neighbouring properties, this proposal would provide a more compatible use on the site as it would replace the long-standing industrial uses, albeit acknowledging that the Coilcolor factory would remain but this is outside the boundaries of the site of this application.
- 7.70 Careful consideration has been given to the amenities of the future occupiers of the site and through consultation with the Head of Law and Regulatory Services (Public Protection),

amendments have been made to the proposed Masterplan. The main amenity issues associated with the proposed development relates to noise and the proximity of various parts of the residential element of the development to these noise receptors. For example, the proximity of the Coilcolor Industrial unit to the residential quarters of this development, particularly the residential units along the immediate western boundary of the site, the proximity of the railway line to residential units along the northern boundary of the site and the proximity of a smaller number of residential units and the school site fronting Mendalgief Road from road traffic, the retail park to the south and the commercial phase of this proposal.

- 7.71 The Coilcolor industrial premises is located adjacent to the immediate western boundary of the site. This unit operated Monday to Friday 8:00 to 16:30 hours and whilst it has recently closed, there are material planning considerations which need to be taken into account in the determination of this application. In this respect, this is a well-established unit and appears to pre-date any significant planning legislation. In planning terms, the unit does not appear to have restrictions on its use or operating hours. It is therefore possible that another industrial-related business could occupy the premises without requiring further planning permission and operate 7 days a week, 24 hours a day.
- 7.72 The application has been accompanied with a noise assessment which has been revised several times with additional information and clarification sought from the Head of Law and Regulatory Services (Public Protection). The Revised Site Suitability Addendum (3 August 2017) represents the latest revision for consideration. The noise surveys and advice from the Head of Law and Regulatory Services (Public Protection) has assisted the Authority in assessing the fundamental 'in principle' issue of whether the site is capable of accommodating residential development (of up to 529 units) within the residential quarters defined by the Masterplan.
- 7.73 As explained under Paragraph 7.12 of this report, there are limited areas within the residential element of the site which has been subject to extensive discussions and negotiations. This has been borne from the noise survey and advice from the Head of Law and Regulatory Services (Public Protection). As a result, there has been agreement between the Authority and the applicant/agent, that various parts of the Masterplan are fixed. This has been defined by drawing number 14022 (05) 109 – Parameters Plan – 'Locked Down' Area.
- 7.75 The layout and scale of a number of apartment blocks along the western boundary of the site which are within the 'locked-down' area are matters which have been agreed since they are required to be in a specific location and scale, to act as noise barriers to other internal parts of the site. Furthermore, these apartments will require noise mitigation measures to protect the amenities of the future occupiers of these units. Finally, additional noise mitigation measures would be provided along the northern boundary of the site and within the elevations of those properties adjacent to this boundary due to the proximity of the railway line and Cardiff Road and further units along Mendalgief Road.
- 7.74 The Head of Law and Regulatory Services (Public Protection) has considered the noise report and conclude that there is no objection to the proposal subject to conditions which will require a series of mitigation measures to control the impacts of adverse noise. Notwithstanding this, the internal amenity of a small number of units, particularly several apartments within the blocks adjacent to the Coilcolor site, is not ideal and the Head of Law and Regulatory Services (Public Protection) advises that it is possible that the Council may receive complaints alleging a statutory noise nuisance. This may occur at times when the industrial premises is operating and those residential units that open their windows. However, when factoring-in the noise mitigation measures that are proposed, those residential units will be designed with uprated glazing and a 'whole-house mechanical ventilation system' which would allow these units to have an acceptable standard of amenity when the windows are closed. Under such circumstances, these residential units would be operating at their optimum performance, to withstand the adverse impacts of noise.
- 7.75 With specific consideration of noise and the use of mitigation measures which included a mechanical ventilation heat recovery system (MVHR), regard is given to an appeal decision

in 2014 of a residential development adjacent to a noisy industrial unit in Crewe, Cheshire. In allowing the development, the Inspector explained:

“It must be assumed that residents in these situations would quickly become used to living with mechanical ventilation. As systems such as MVHR become more commonplace, such familiarity is likely to become more widespread. The technical report submitted by the appellant reports that 18,000 MVHR systems were fitted in 2010-11 and suggests that [it] will become the dominant form of ventilation in new homes...The number of dwellings likely to require MVHR would be a small proportion of the total. I do not doubt that residents of these houses, even those enthusiastic about the merits of MVHR, might also welcome the opportunity to have bedroom windows open at night...The availability of MVHR could be seen as a fallback. But whether as a fallback or a daily necessity, the evidence suggests that MVHR would be capable of protecting living conditions.”

- 7.76 Notwithstanding that the overall circumstances and merits of the development within the appeal decision may be very different to the scheme at the former Whitehead site, the decision is relevant on the specific point of the extent of use and reliance upon, mechanical ventilation when applied to residential developments near industrial uses. In this regard, the approach taken to address internal noise for this proposed residential development would be consistent with that of the appeal decision.
- 7.77 The area around the apartment blocks adjacent to the Coilcolour site would enable landscaping and parking areas to be positioned adjacent to the immediate western boundary and the external communal amenity spaces on the opposite side, to provide quieter courtyards for occupiers of the blocks to enjoy.
- 7.78 Since the apartment blocks act as noise barriers to other internal parts of the site, a condition would be imposed to ensure the effective phasing of the site so that the apartment blocks falling within a particular phase is completed first prior to the occupation of any dwelling within that same phase.
- 7.79 It is acknowledged that there would be a degree of noise and disruption to existing surrounding residents and prospective residents of the proposed development during the construction phase of the development. This however is likely to be short-term and can be minimised as much as reasonably possible by the imposition of a condition for the submission of a Construction Environmental Management Plan.
- 7.80 With regards to non-residential aspects of the proposed development, measures such as ensuring appropriate hours of opening for the A1 and A3 units can be secured by condition to avoid any unacceptable noise disturbance. Likewise measures to prevent undue loss of residential amenity due to cooking fumes from the restaurant/pub can also be secured by condition. The Head of Law and Regulatory Services (Public Protection) advises that schools are thought as noise sensitive development and would require acoustic mitigation measures of enhanced glazing and ventilations will be required and subject to conditions.
- 7.81 Having regard to above and the comments of the Head of Law and Regulatory Services (Public Protection), it is concluded that whilst the relationship of the development with various noise receptors is not ideal, mitigation can be provided to the extent that it would not be unduly harmful to the amenities of the future occupiers of the site.
- 7.82 Notwithstanding matters of noise, the Masterplan demonstrates that reasonable spaces between dwellings could be achieved to accommodate a development of up to 529 units and of the proposed scale parameters. The Masterplan also demonstrates that the residential phase of the development, could, in principle, achieve an acceptable standard of amenity, particularly in addressing the broad principles of privacy, outlook and light. It is also noted that there would be several wider benefits generated by the development which would enhance the amenities of existing residents. For example, the development would include an Eco-Park and various on-site open spaces and landscaping for the wider community to enjoy. This would also include a financial contribution towards the upgrading of Pillgwenlly playing fields. A public house/restaurant and a relatively small commercial store would be located on the site and whilst it is anticipated that it would be mainly used by the future residents of the proposed development and that of ‘Monbank’, there would be a

degree of custom from established residential areas. Having regard to the above, it is considered that the development at this outline stage satisfies Policies GP2, GP6, GP7 and R8 of the NLDP and SPG: New Dwellings.

7.83 Conservation and Heritage

The site is not located within a Conservation Area, nor does it contain any heritage assets such as listed buildings, locally listed buildings or ancient scheduled monument. However, the site is approximately 40m to the south of Belle Vue Conservation Area and Belle Vue Historic Park and Garden. This area contains several listed buildings, with the nearest being Cardiff Road Lodge, approximately 45m away from the site.

7.84 Notwithstanding the above, the site is largely detached from the Conservation Area, the Historic Park and Garden and Listed Buildings. In this respect, the site is separated by a wide and busy Cardiff Road, followed by a railway line. It is also recognised that the site has been in industrial use which would have impacted on the wider settings of these heritage assets. Given the separation of the site to Belle Vue, it is considered that the proposed development would preserve the setting of these heritage assets.

7.85 Archaeology

This site is not located within an Archaeologically Sensitive Area and Glamorgan Gwent Archaeological Trust (GGAT) have submitted comments stating that they have no objections to the proposal. In light of the above, it is considered that the scheme satisfies Policy CE6 of the NLDP and Supplementary Planning Guidance: Archaeology and Archaeologically Sensitive Areas.

8.87 Section 106 obligations

The owner has provided an 'open book' financial appraisal of the development. Figures provided (in commercial confidence) include: acquisition costs, build costs, remediation costs, infrastructure works, abnormals and sales revenue. These figures (and the resulting residual value of the land) have been verified by the Councils Development Appraisal Toolkit (Three Dragons) and have been the subject of independent assessment by the District Valuer.

8.88 Affordable Housing

The applicant is the Whiteheads Development Company, which is part of the Tirion Homes Group, which is a charitable institution with objectives to deliver affordable housing without the need for Social Housing Grant. Tirion has been set up to find new ways of financing large scale affordable housing projects.

8.89 The applicant has stated that Tirion is obligated via its legal agreement with Welsh Government to deliver 50% affordable housing on the site. The scheme represents a pilot initiative by the Welsh Government, which is exploring alternative models of providing affordable housing other than Social Housing Grant.

Further to negotiations with the Council, the applicant proposes the following mix of tenures:

- 185 intermediate discounted rent units with rents set at 80% of open market rent;
- 20 social rented units (this is housing provided by registered social landlords where rent levels have regard to the Assembly Government's guideline rents and benchmark rents);
- 30 shared ownership units that would be delivered by registered social landlord POBL;
- 14 units for over persons aged 55 and over only with rents at Local Housing Allowance rates (i.e. rates used to calculate housing benefit for tenants from private landlords);
- 16 units at Local Housing Allowance rates

8.90 The site is allocated for housing under Policy H1 of the Local Development Plan with a total capacity of 400 units and a requirement to provide 120 of these units to be affordable. Policy H4 of the Local Development Plan requires on site provision of affordable housing of 30% on sites with 10 or more dwellings in the Rogerstone and West Newport area. The reasoning for this is given under Paragraph 5.15 of the NLDP which states, "It is recognised that due to the various values associated with submarket areas of Newport, a split target approach has been set. The submarket targets are a realistic figure of what schemes are

likely to be able to sustain". Policy H4 of the NLDP also accepts that specific site targets may vary subject to viability and negotiation. Based on a total of 529 dwellings proposed, this would equate to a target of 159 affordable housing units.

- 8.91 The definition of what constitutes 'affordable housing' is set out at both National policy level and at Local policy level. At National level, the relevant policies are set out in Technical Advice Note 2: Planning for Affordable Housing (TAN2, 2006). Local planning policies referring to affordable housing are set out in Policy H4 of the NLDP and the Council's Supplementary Planning Guidance: Affordable Housing.
- 8.92 One of the key differences between National affordable housing policies and Newport's Local policies is that Newport City Council has a preference for affordable housing to be 'neutral tenure', which comprises affordable housing that facilitates flexibility between tenures of owner occupation and renting.
- 8.93 The applicant has advised that it is not possible for the development to conform to this preference for contractual and viability reasons. However, in response to concerns expressed by the Council's Housing Manager, the applicant diversified the tenure to the mix proposed so that 15% (or 80 units) would be: 20 socially rented, 30 shared ownership, 14 over 55 accommodation and 16 at Local Housing Authority rates which is supported by the Council's Housing Manager.
- 8.94 The 185 Intermediate Discounted Rent Units (35% of scheme) would be National Policy compliant, resulting in a total of 265 units (or 50% of the scheme) being affordable, which exceeds the 30% required by Policy H4 of the NLDP. It has also been agreed following requests by the Council's Housing Manager that all lettings would be advertised through Newport City Council's Home Options Newport (Common Housing Register).
- 8.95 The Council's Housing Manager has expressed reservation over the affordability of the rents proposed for the intermediate rental units at 80% market value. However, the applicant has explained that the rents reflect the high quality product proposed (in terms of size and quality of environment) following a review by a market rents locally. The applicant is legally required by Welsh Government to prove that the rents are a true reflection of 80% open market rents.
- 8.96 In conclusion, given the mix now proposed, the constraints set by viability issues and the strategic importance of the site in terms of its allocation in the NLDP and substantial regeneration benefits, it is considered that the affordable housing provision proposed is acceptable. The overall provision would meet the National Planning Policy definition of affordable housing, whilst holds weight when considering the overall approach of providing affordable housing at this site. The Council's Housing Manager is now in full support of the proposal.
- 8.97 Education
'School Capacity' is calculated taking account of current school capacities, demand generated by extant permissions and/or Joint Housing Land Availability supply, as well as future pupil number projections over the lifetime of the related planning permission
- 8.98 The development falls within the catchment area of Duffryn High School and Maesglas Primary School. Based upon the scale and mix of development proposed, both schools have a deficit 'School Capacity'. Other potentially serving primary schools (i.e. St Woolos, Gaer and Pillgwenlly) also have deficit 'School Capacity'.
- 8.99 The Planning Contribution Manager has advised that excluding one bed apartments, the market dwellings generate a commuted sum of £2,461,487 (comprising £1,402,005 for primary education and £1,059,482 for secondary education, representing 87 and 68 pupil places respectively)
- 8.100 However, in-lieu of a commuted sum, the Education Department is requesting an 'in-kind' contribution of a 2 hectare remediated site with provision of services up to the boundary of the school site (in order to be able to deliver a 2 form entry primary school, as identified in the Council's 21st Century Schools Band B programme); site to be transferred to the

Council by March 2018. This 'in-kind' (land only) contribution is valued at £1,891,395 (which includes both the land value and remediation costs).

- 8.101 An additional £250,000 is allocated for the new primary school, to reduce this funding gap and/or to support interim measures to accommodate pupils generated by the development.
- 8.102 The Chief Education Officer has commented that the catchment to which the application site lies within has seen growth in housing and pupil numbers over the years, with a development of approximately 500 homes currently being built at the Mon Bank development site. As a result of growing pupil numbers and the impact of existing new housing, the Education Department is anticipating a need for around 150 extra school places in the cluster from September 2018 and they are planning measures to provide additional pupil places on existing school sites, as an interim measure.
- 8.103 The Chief Education Officer explains that the long term solution involves the creation of a new primary school on land which forms part of this application. This proposed school will be of sufficient capacity to meet the education needs of the local community. Newport City Council does not own any suitable land in the area, and is unable to provide a sustainable solution for known pressures without this land allocation. In this respect the Chief Education Officer states this proposal is critical for sustainable education provision in West Newport.
- 8.104 The cost of the new build school is estimated at £11m and Newport City Council has received £1m from the Mon Bank development. This leaves a £10m funding gap for the Council to fill. Accordingly, a bid for match funding for a school at this site is included in the Council's 21st Century Schools Band B programme.
- 8.105 In recognition that the allocation of the land for the school is critical and following viability of the overall scheme, which will enable a further contribution of £250,000 towards the provision of the new school and/or to support interim measures to accommodate local pupils, it is considered that this requirements of the Education Department has reasonably been met.
- 8.104 Leisure
The Planning Contributions Manager advises that whilst there is surplus capacity of informal play space within the Pillgwenlly ward, there is a deficit of equipped and formal open space. The proposed scheme involving 370 'market' dwellings generates a requirement for 1.83 hectares of leisure provision (comprising 0.29 hectares of 'Equipped' open space and 1.54 hectares of 'Formal' open space). However, the Applicant is providing 2ha of on-site open space. This includes local areas of open space (0.7ha), as well as the Eco Park (1.022 ha) and the bat roost open space (0.226ha). A Private Management Company would be set-up to manage and maintain the open spaces and this adheres to Council policy stipulated in the Supplementary Planning Guidance Document: Planning Obligations and will be secured through the S106 legal agreement
- 8.105 The Parks and Recreation Manager has advised that he does not disagree with the provision of onsite open spaces, however it would not address the shortfall in equipped play for the ward and would welcome further contributions. Notwithstanding the above, a commuted sum of £75,000 is proposed for the provision and/or upgrading of Pill Playing Fields. Having considered the overall viability of the scheme, as explained by the Planning Contributions Manager, it is considered that the proposal would reasonably address the broader leisure requirements of this development.
- 8.106 Highways
The highway and transportation implications of this proposal have been primarily assessed under paragraph 7.26 of this report. It is proposed to undertake upgrading works to Mendalgief Road to accommodate the proposed development which will also have additional benefits to the local community. The proposal will also involve a financial contribution of £5,000 to provide two bus stops on Mendalgief Rd and £20,000 to produce a travel plan.

- 8.107 The Head of Streetscene and City Services (Highways) has no objections to the proposal subject to a legal agreement and a S.278 Agreement to secure the infrastructure and highway-related works.
- 8.108 The applicant has agreed to the Heads of Terms which will form the basis of the legal agreements.

8.109 **Summary of benefits**

The scheme offers the following benefits which should be weighed in the assessment of the application:

- The scheme represents a substantial investment into Newport
- This is a strategic site for Newport since it is allocated within the Newport Local Development Plan for residential and education purposes and integral for the delivery of the Council's current 5-year land supply for housing and to sustain the education provision within the area.
- The applicant asserts that the scheme provides choice to those unable or with a preference not to purchase their own home, targeting tenants in the medium or low income brackets (young working couples, working singles and single parents, young families and retired singles or couples looking to downsize);
- The funding mechanism means that the applicant is taking a minimum 50 year interest in the site and so has a vested interest in the quality of the development and its future management. The funding model means that assets would be retained within the charitable structure;
- It results in the regeneration of a very large brownfield, derelict and contaminated site;
- It helps create a high quality well managed and desirable neighbourhood
- The scheme would stimulate economic regeneration and employment by creating jobs, supporting social enterprise and providing training opportunities.

The scheme also offers the following planning contributions:

- The scheme provides 265 affordable housing units, in line with National planning policy
- It is proposed to provide 2 hectares of land to the Council to provide a new primary school.
- £250,000 for primary school places
- Provision of on-site open space which would be managed by a private management company;
- £75,000 off site contribution to assist with the upgrade of Pill recreational playing fields;
- Provide off-site infrastructure to improve Mendalgief Road at a predicted cost of £539,005.
- £5,000 to provide two bus stops on Mendalgief Road
- £20,000 to produce a travel plan.

- 8.110 Economic viability is an important material planning consideration on the potential scope and scale of planning obligations, especially when considering wider regeneration benefits of a redeveloping this 'brownfield' land which is allocated for residential and education purposes within the NLDP. Having regard to the above benefits and the need to secure a viable scheme, in which a detailed viability assessment has been submitted and advice obtained from the District Valuer Services who has concluded that the Council could not reasonably expect the Applicant to provide further contributions, over and above the proposed planning obligations, it is considered that this scheme would represent a sustainable form of development, thereby satisfying Policies SP13 of the NLDP and Supplementary Planning Guidance documents: Planning Obligations.

9. OTHER CONSIDERATIONS

9.1 ***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.

9.2 ***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.

9.3 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.

9.4 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.

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

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

9.6 ***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.

10. **CONCLUSION**

10.1 The proposed development accords with the principles of the Local Development Plan. The redevelopment of this large, derelict brownfield site, and resultant economic benefits, are to be welcomed. It has been demonstrated that there is highway capacity to adequately accommodate this development in a manner that would not be detrimental to the locality or highway/pedestrian safety. It has also been demonstrated that the residential amenity of neighbouring properties and the future occupants of site would not be unduly harmed by the proposed development and that adequate servicing arrangements would be available to serve this mixed-use development. As such, it is recommended that planning permission is granted subject to completion of a S106 Agreement and subject to conditions.

11. **RECOMMENDATION**

GRANTED SUBJECT TO COMPLETION OF SECTION 106 AGREEMENT AND CONDITIONS. FAILURE TO SIGN THE AGREEMENT WITHIN 3 MONTHS TO RESULT IN DELEGATED POWERS TO REFUSE APPLICATION.

01 In relation to the land outside the 'locked down' area, as defined on drawing no. 14022 (05) 109 – Parameters Plan – 'Locked Down' Area, approval of the details of the layout, scale, appearance, access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority.

Reason: To safeguard the rights of control of the Local Planning Authority in respect of the reserved matters and to comply with the requirements of Section 92 of the

Town and Country Planning Act 1990 and with the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 02 In relation to the land 'locked down', as defined on drawing no. 14022 (05) 109 – Parameters Plan – 'Locked Down' Area, approval of the details of the appearance, access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority.

Reason: To safeguard the rights of control of the Local Planning Authority in respect of the reserved matters and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and with the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

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

14022 (05) 100 Rev B – Site Location Plan
14022 (05) 101 Rev D – Proposed Masterplan
14022 (05) 102 Rev G – Proposed Phasing
14022 (05) 103 Rev D – Parameters Plan Land Use
14022 (05) 104 Rev C – Parameters Plan Access & Movement
14022 (05) 105 Rev C – Parameters Plan Building Scales & Heights
14022 (05) 106 Rev C – Parameters Plan Landscape & Public Realm
14022 (05) 107 Rev C – Parameters Plan Density
14022 (05) 109 – Parameters Plan – 'Locked Down' Area
14022 (05) 110 – Site Sections
322.01 Rev B – Landscaping Strategy

Design and Access Statement (24 June 2015, Powell Dobson)
Design and Access Statement Addendum (21 March 2017, Powell Dobson)

Planning Statement (June 2015, The Urbanists)
Planning Statement Addendum (January 2017, The Urbanists)

Air Quality Assessment (26 November 2015, Arup)
Air Quality Assessment Technical Note (30 January 2017, Arup)

Drainage & Utilities Strategy Rev.0 (8 May 2015, Arup)
Drainage Strategy Technical Note 02 (20 January 2017, Cambria)

Transport Assessment (January 2015, Vectos)
Travel Plan [Interim] (June 2015, Vectos)
Technical Note (November 2015, Vectos)
Transport Assessment Addendum (January 2017, Vectos)

Revised Site Suitability Addendum R03-HB (3 August 2017, Arup)* [*this is an amalgamation of all previous noise assessment reports]

Pre-Development Tree Survey (May 2015, Broadway)

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

- 04 The details submitted in pursuance of Conditions 1 and 2 shall be in accordance with the principles, parameters and objectives of the Masterplan.

Reason: To ensure a comprehensive and coordinated development of the site in accordance with the principles identified at outline stage.

- 05 The development of land shall proceed sequentially in accordance with drawing number 14022 (05) 102 Rev G – Proposed Phasing or in accordance with an

alternative phasing plan that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of the proposed dwellings and in the interests of highway safety.

- 06 In pursuance of any reserved matters application, a scheme shall be submitted to and approved in writing by the Local Planning Authority demonstrating the precise phasing of the development within each phase of development defined by Condition 05. Development of that land shall proceed sequentially in accordance with the approved phasing scheme.

Reason: To ensure that any proposed properties that rely upon the construction of any apartment block(s) in the 'locked-down' area (defined by drawing no. 14022 (05) 109 – Parameters Plan – 'Locked Down' Area) for protection from noise from the adjacent industrial premises is not occupied until that apartment block(s) are completed.

- 07 No development shall commence in relation to any phase of development defined under Condition 05, as defined by drawing number 14022 (05) 102 Rev G – Proposed Phasing, until a Management and Maintenance Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall detail the interim measures to ensure that the land associated with Phase 4 of development is visually acceptable until these facilities are built. These interim measures shall be completed prior to the completion of Phase 1 of development defined by drawing number 14022 (05) 102 Rev G – Proposed Phasing and maintained at all times pending the completion of Phase 4.

Reason: In the interests of the visual appearance of the development.

- 08 Notwithstanding the submitted plans, the consent hereby granted shall be limited to:
- i) No more than 529 units of residential accommodation
 - ii) No more than 24 assisted living units
 - iii) A single A3 unit up to 582 square metres (inclusive of any mezzanine floorspace).
 - iv) A single A1 unit up to 372 square metres (inclusive of any mezzanine floorspace).
 - v) A primary school

Reason: As the assumptions in the Transport Assessment are based on these maximum thresholds and in the interests of protecting the vitality, viability and attractiveness of existing established local, district and city centres.

- 09 No development shall commence in relation to any phase of development defined under Condition 05 or in relation to the school until details and plans showing the finished slab level of the building(s) within that phase, together with cross sections through the site of that phase, have been submitted to and approved in writing by the Local Planning Authority. The development of that phase shall be undertaken in accordance with the approved details.

Reason: To ensure that the development is completed in a manner compatible with its surroundings and in the interests of visual and residential amenities

- 08 No development shall commence in relation to any phase of development defined under Condition 05 or in relation to the school until details/samples of materials and finishes to be used on the external surfaces of the buildings for that phase of development have been submitted to and approved in writing by the Local Planning Authority. The development of that phase shall then be carried out using the agreed materials.

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

- 09 No development shall commence on the construction of any buildings in relation to any phase of development defined under Condition 05 or in relation to the school until full details of all boundary treatments for that phase of development have been submitted to and approved in writing by the Local Planning Authority. In relation to any dwelling or building, the details shall be implemented in accordance with the approved scheme prior to first occupation of that dwelling or building and shall then be maintained as such thereafter.

Reason: To ensure adequate security and privacy and that the scheme is completed in a compatible manner to its surroundings, in the interests of visual amenity.

- 10 No development shall commence in relation to any phase of development defined under Condition 05 or in relation to the school until details/samples of materials and finishes to be used on any proposed hard landscaped areas for that phase of development have been submitted to and approved in writing by the Local Planning Authority. The development of that phase shall then be completed using the agreed materials.

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

- 11 No development shall commence in relation to any phase of development defined under Condition 05 or in relation to the school until a scheme of landscaping, management plan and tree planting associated with that phase of development has first been submitted to and approved in writing by the Local Planning Authority. This scheme shall relate to the timing of planting and seeding and the landscaping scheme shall be implemented in full by a date not later than the end of the full planting season following the beneficial occupation of the first completed unit in that phase or in accordance with a timetable that has first been submitted to and approved in writing by the Local Planning Authority. The entire scheme shall be retained for a period of 5 years from the date of planting in accordance with the agreed management plan. Any trees or shrubs which die or are damaged shall be replaced and retained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To ensure the development progress logically in a form which allows for the completion of constituent parts of the development before work is carried out.

- 12 No development, to include demolition and site preparation, shall commence in relation to any phase of development defined under Condition 05 or in relation to the school until a plan has been submitted to and agreed in writing by the Local Planning Authority indicating all existing trees and hedgerows on land associated with that phase of development, and details of any to be retained, together with measures for their protection in the course of the development. Works shall be carried out in accordance with the agreed details with the protection measures installed prior to the commencement of development of that phase and retained for the duration of its development.

Reason: To ensure that the development is completed in a manner compatible with its surroundings and in the interests of visual amenity and biodiversity/ecology.

- 13 No development shall commence in relation to any phase of development defined under Condition 05 or in relation to the school until a detailed method statement for removing or the long-term management/control of invasive species on that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include measures that will be used to prevent the spread of invasive species during any operations, for example mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site for that phase of development are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981 (as

amended by the Countryside & Rights of Way Act 2000). Development of that phase shall proceed in accordance with the approved method statement.

Reason: In the interests of ecology/biodiversity.

- 14 No development shall commence until a scheme for the provision of bat roost within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the siting, scale, design and external appearance of the bat roosting structure(s), including provision for their maintenance and a timetable for its installation. The bat roost shall be implemented in accordance with the approved scheme and timetable.

Reason: In the interests of ecology.

- 15 In pursuance of any reserved matters application and notwithstanding conditions 03 and 11, the development shall include the provision of boulevard tree planting within dedicated landscaped verges along all 'principal streets', in accordance with drawing numbers 322.01 Rev B – Landscaping Strategy and 14022 (05) 101 Rev D – Proposed Masterplan.

Reason: In the interests of visual amenity and to ensure that a key design feature of the development is implemented.

- 16 No development shall commence until a scheme of biodiversity and ecology enhancements to be incorporated within the 'Ecopark' hereby approved (as shown on drawing number 14022 (05) 101 Rev D – Proposed Masterplan and a timetable for its implementation, has been submitted to and agreed in writing by the Local Planning Authority. The biodiversity and ecology enhancements shall be implemented in accordance with the agreed scheme and timetable.

Reason: In the interests of biodiversity/ecology and in accordance with the Natural Environment and Rural Communities Act (2006), Planning Policy Wales, Technical Advice Note 5, Policies SP1, SP9, GP5 of the Newport Local Development Plan and Supplementary Planning Guidance: Wildlife and Development.

- 17 No development, to include demolition and site preparation, shall commence in relation to any phase of development defined under Condition 05 or in relation to the school until a Construction Environmental Management Plan (CEMP) for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following during development:

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

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

Reason: In the interests of amenities and highway/pedestrian safety.

- 18 Pursuant to the approval of the reserved matters relating to any phase of residential development defined by Condition 05, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable

rooms of dwellings within that phase which is exposed to external noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows and shall include:

- i) a mechanical ventilation strategy identifying the specification of the mechanical ventilation system to be installed to any residential unit within that area
- ii) a glazing noise mitigation strategy identifying the specification of the glazing to be installed to any residential unit within that area

No dwelling within that phase of development shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The measures shall thereafter be operated and maintained in accordance with the approved details and be retained in perpetuity.

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

- 19 Pursuant to the approval of the reserved matters relating to any phase of residential development defined by Condition 05, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that the maximum day time noise level in outdoor living areas exposed to external noise shall not exceed 50 dBA Leq 16 hour [free field] during the day (07:00 to 23:00) for any residential unit within that phase unless otherwise agreed in writing by the Local Planning Authority and in no instance shall exceed 55 dB(A) Leq 16 hour [free field] during the day (07:00 to 23:00). The scheme of noise mitigation as approved shall be constructed in its entirety prior to the first occupation of any residential unit within that phase and shall then be maintained and retained thereafter in perpetuity.

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

- 20 The apartment blocks identified within the 'locked down' area, as shown on drawing no. 14022 (05) 109 – Parameters Plan – 'Locked Down' Area, shall be laid out in strict accordance with the layout shown. The apartment blocks shall vary in height between a minimum of 10 metres and a maximum of 19 metres.

Reason: To ensure that the apartments are effective in screening future properties from noise from the adjacent industrial premises currently known as Coil colour in accordance with the noise assessment submitted as part of this application.

- 21 No development shall commence on Phase 3, as defined under Condition 05, until details and specification of a 1.5m high acoustic barrier or bund, to be installed along the entire length of the northern boundary of the site as identified by the document "Whiteheads Development Company Ltd. (Former Whiteheads) – Site Suitability Addendum (3 August 2017, Arup)" has been submitted to and approved in writing by the Local Planning Authority. The approved acoustic barrier or bund shall be implemented in its entirety prior to the first occupation of any residential unit within Phase 3. The barrier or bund thereafter shall be maintained and retained in perpetuity.

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

- 22 No development shall commence within Phase 4 as defined under Condition 05 until a noise assessment has been submitted to and approved in writing by the Local Planning Authority. The noise assessment shall demonstrate that the noise emitting from any plant or equipment to be located within Phase 4 shall be controlled such that the rating level is 5db below background level, calculated in accordance with BS4142 (2014). All plant and equipment shall operate and be

maintained in accordance with the approved noise assessment. If the noise assessment indicates that noise from the development will impact residents then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the local planning authority. The approved mitigation measures shall be implemented in full prior to the plant and equipment being brought into beneficial use.

Reason: In the interests of residential amenities.

- 23 Pursuant to the approval of a reserved matters relating to layout and appearance of the school, a scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that all internal teaching classrooms achieve an internal noise level of 35 dBA Leq 16 hour during the day. The submitted scheme shall also ensure that the teaching classrooms subject to the sound insulation measures shall be able to be effectively ventilated without opening windows. No classroom shall be brought into beneficial use until the approved sound insulation and ventilation measures have been installed to that classroom. The approved measures shall thereafter be operated and maintained in accordance with the approved details and be retained in perpetuity.

*** The applicant should have regard to the Building Bulletin 93: 2015 Acoustic Design of schools - A design guide department for education and skills.

Reason: In the interests of amenities and human health

- 24 Prior to the installation of any floodlighting scheme, full details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that light into neighbouring residential windows generated from the floodlights shall not exceed 10 Ev (lux) (vertical illuminance in lux). Each floodlight must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical. The floodlighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 5%. The submitted scheme shall include an isolux diagram showing the predicted illuminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties. The approved scheme shall be implemented prior to first use of the lighting and be permanently maintained in that state thereafter.

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

- 25 Prior to first beneficial use of the A1 Unit and A3 Unit hereby approved, details of their opening hours shall be submitted to and approved in writing by the Local Planning Authority. The uses shall operate in accordance with the approved hours.

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

- 26 The reserved matters referred to in Condition 01 where this relates to the proposed A3 uses (as defined under the Town and Country Planning Use Classes Order 1987 as applicable to Wales on the date of this planning permission) shall include details of ventilation and extraction equipment relating to fumes from any food preparation areas of these uses. Details of the extraction equipment shall include scaled schematics, location plans, odour attenuation measures and future maintenance. The equipment shall be installed in accordance with the approved details prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the approved details.

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

- 27 No development shall commence in relation to any phase of development defined under Condition 05 or in relation to the school, until all the following components of

a scheme to deal with the risks associated with contamination of that phase of development have been submitted to and approved, in writing, by the Local Planning Authority:

- a. A preliminary risk assessment which has identified:
 - i) all previous uses
 - ii) potential contaminants associated with those uses
 - iii) a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
- b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c. The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

Reason: In the interests of Human Health (Public Protection) and that Natural Resources Wales considers that the controlled waters at this site are environmentally sensitive and contamination is known/strongly suspected at the site due to historic use of the site.

- 28 Prior to the beneficial occupation of any unit within any phase of development defined under Condition 05 or in relation to the school, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation for that phase of development shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: In the interests of Human Health (Public Protection) and to demonstrate that the remediation criteria relating to controlled waters and human health have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 29 Prior to the beneficial occupation of any unit within a phase of development defined under Condition 05 or in relation to the school, soil and/or aggregate used as clean fill or capping material for that phase, shall be chemically tested prior to import to site, to demonstrate that it meets the relevant contamination screening requirements for the proposed end uses and a Validation report demonstrating compliance with the agreed remediation strategy (Condition 27) and is shown to be appropriate for the proposed end use shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the validation report and no other fill/capping material shall be imported onto the site for that phase of development

Reason: In the interests of Human Health (Public Protection) and to ensure that the site has been remediated to a standard appropriate for each proposed land-use.

- 30 If, during development of a phase defined under Condition 05 or in relation to the school, contamination not previously identified is found to be present at the site then

no further development of that phase (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of Human Health (Public Protection) and given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

- 31 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: There is an increased potential for pollution of controlled waters from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.

- 32 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

- 33 No development, other than demolition, shall commence in relation to any phase of development defined under Condition 05 or in relation to the school until full details of the layout, widths, gradients and means of construction of all carriageways and footpaths, details of means of access from existing roads and details of all foul and surface water sewers associated with that phase of development have been submitted to and approved in writing by the Local Planning Authority. With the exception of the final wearing course, the development shall be completed in accordance with the details as approved prior to the first occupation of any building in that phase. The final wearing course shall be completed prior to the first occupation of the last building in that phase.

Reason: To ensure that the roads shall be constructed and sited to the satisfaction of the Council so far as to provide a proper means of access for traffic, in the interests of highway/pedestrian safety and to ensure that the land can be adequately drained.

- 34 No dwelling or commercial unit or school shall be occupied until the roads and footpaths have been laid to provide access to that dwelling or unit or school and that the parking areas (including any related garages) associated with that dwelling or unit or school have been completed in accordance with plans that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is carried out in a proper and coordinated manner, in the interests of visual and residential amenity and highway/pedestrian safety.

- 35 Provision shall be made within the site for garaging/parking facilities for each dwelling or commercial unit or school in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved garaging/parking facilities shall be provided prior to the first occupation of the associated dwelling or commercial unit or school and shall be retained for such use at all times thereafter. Any garages or parking spaces associated with residential uses on the site shall be used for the parking of domestic vehicles only and for no

other purposes including, in the case of the garages, additional living accommodation.

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

- 36 Prior to the installation of any footpath link emerging from the west of the site to connect the site with the development known as 'Monbank', as indicated on drawing number 14022 (05) 101 Rev D – Proposed Masterplan, details of the location, specification and the finished surfacing of that footpath link shall first be submitted to and agreed in writing by the Local Planning Authority. The footpath link shall be implemented as agreed.

Reason: In the interests of pedestrian safety and amenity.

- 37 Notwithstanding the submitted plans and in pursuance of any reserved matters application, no development shall commence on the Eco-Park, as shown on drawing number 14022 (05) 101 Rev D – Proposed Masterplan until full details of the pedestrian crossing points linking the residential development with the Eco-Park has been submitted to and agreed in writing by the Local Planning Authority. The crossing points shall be installed in accordance with the agreed details prior to the commencement of development of the Eco-Park with the crossing points retained in that state thereafter.

Reason: In the interests of highway/pedestrian safety and amenity.

- 38 Notwithstanding the submitted plans and in pursuance of any reserved matters application, there shall be no means of vehicular access to the residential and education allocations from the existing access and road serving Coil Color, as shown on drawing number 14022 (05) 101 Rev D – Proposed Masterplan.

Reason: In the interests of highway/pedestrian safety, amenity and to retain effective control over the development of the site.

- 39 Notwithstanding the submitted plans and Condition 09 (boundary treatments) and in pursuance of any reserved matters application, no development shall commence on the Eco-Park, as shown on drawing number 14022 (05) 101 Rev D – Proposed Masterplan until full details of a boundary treatment to be installed along the full length of the western end of the access road and the Eco-Park (excluding any pedestrian access points). The agreed boundary treatment shall be installed in accordance with the agreed details and retained in that state thereafter.

Reason: In the interests of highway/pedestrian safety, visual amenity and general amenity.

- 40 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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

- 41 No development shall commence in relation to any phase of development defined under Condition 05 or in relation to the school until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard (surface) water from that phase will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include full details of the flood alleviation pond as shown on drawing number 14022 (05) 101 Rev D – Proposed Masterplan and the location and specification of all surface and foul drainage pumping stations/devices and any associated housings. The approved scheme shall be implemented in full prior to the beneficial use of any part

of the development within that phase or in accordance with a timetable which has first been submitted to and agreed in writing by the Local Planning Authority.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment, to ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.

- 42 No development shall commence in relation to any phase of development defined under Condition 05 or in relation to the school until a Drainage Maintenance and Management Plan for the proper functioning of the drainage infrastructure approved under Condition 41 for the entire lifetime of the development of that phase or school has been submitted to and approved in writing by the Local Planning Authority. The approved drainage infrastructure shall be maintained and managed in accordance with the agreed Plan.

Reason: To ensure that effective drainage facilities are provided for the proposed development at than flood risk is not increased.

- 43 There shall be no subdivision of the A1 unit or A3 unit hereby approved.

Reason: In the interests of residential amenities, highway safety and in the interests of protecting the vitality, viability and attractiveness of existing established local, district and city centres.

- 44 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), or the Town and Country Planning (Use Classes) Order 1987, no development, which would be permitted under Article 3 and Classes A and C of Part 3 to Schedule 2 (Change of Use) of the Order shall be carried out at any time.

Reason: In the interests of residential amenities and in the interests of protecting the vitality, viability and attractiveness of existing established local, district and city centres.

- 45 The Assisted Living Units, as shown on drawing number 14022 (05) 103 Rev D – Parameters Plan Land Use shall only be occupied as Assisted Living Units and for no other use or purpose whatsoever.

Reason: To avoid doubt or confusion as to the extent of the permission granted and to enable their exclusion from any planning contribution calculations

- 46 The reserved matters referred to in Conditions 01 and 02 shall include where relevant details of all formal and informal recreation areas (details to include siting, design, external appearance, landscaping, means of access and play equipment). These areas shall be provided in accordance with the approved details following occupation in excess of 75% of the units of that phase and maintained as such in perpetuity.

Reason: To ensure that adequate levels of recreation facilities are provided to serve the development.

- 47 This permission does not extend to any matters which are by other conditions required to be further approved by, or agreed with, the Local Planning Authority, notwithstanding that all or any such matters are included or refer to on the submitted plans.

Reason: For the avoidance of doubt or confusion as to the extent of the permission hereby granted.

- 48 No development shall commence in relation to any phase of development defined under Condition 05 or in relation to the school, until details of bin storage to serve

each residential unit or commercial unit or school has been submitted to and approved in writing by the Local Planning Authority. The bin storage shall be provided in accordance with the approved details prior to the first beneficial occupation of that residential unit, or commercial unit or school. The bin storage shall then be retained in perpetuity and shall only be used for the storage of waste and for no other purposes whatsoever.

Reason: In the interests of amenities.

NOTES TO APPLICANT

- 01 The development plan for Newport is the Newport Local Development Plan (NLDP - adopted January 2015). Policies SP1, SP3, SP4, SP9, SP10, SP12, SP13, SP18, SP19, GP1, GP2, GP3, GP4, GP5, GP6, GP7, CE6, H1, H2, H3, H4, T3, T4, R8, CF2, CF13 and W3 of the NLDP were relevant to the determination of this application. Also relevant were the following Supplementary Planning Guidance documents: Planning Obligations; Affordable Housing; Wildlife and Development; New Dwellings; Parking Standards; Outdoor Play Space Provision; Trees, Woodland, Hedgerows and Development Sites and Security Measures for Shopfronts and Commercial Premises. Consideration was also given to: Planning Policy Wales (Edition 9) and Technical Advice Notes: 2, 4, 5, 11, 12, 15, 16, 18 and 23.
- 02 In the interests of residential amenity, no construction work shall be carried out on the site other than between the hours of 8.00 am – 6.00 pm (8.00 am - 5.00 pm for works involving piling) Monday-Friday and 8.00 am - 1.00 pm Saturdays (but no work on Saturday involving piling). No construction or piling works shall take place on Sundays or Bank Holidays.
- 03 This application is subject to a Section 106 Agreement.
- 04 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.
- 05 The amended Wildlife and Countryside Act 1981 protects bird species whilst nesting in the UK. This protection extends to a bird, its nest, eggs, and young until such time as the young have fledged. Vegetation clearance should proceed outside the peak bird-breeding season (generally considered to be March through August inclusive) or within the breeding season only if a pre-clearance survey shows no breeding birds to be present, nesting or commencing nesting within the vegetation to be affected.
- 06 All archaeological work must meet the Standard and follow the Guidance of the Chartered Institute for Archaeologists; and it is our policy to recommend it is undertaken by either a Registered Organisation with the ClfA or by a MCIfA level Member (further information available www.archaeologists.net/codes/ifa and www.archaeologists.net/ro).
- 07 Natural Resources Wales have advised that that the applicant/developer should:
- i) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
 - ii) Refer to Environment Agency Wales document 'Development of Land Affected by Contamination: A Guide for Developers' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
 - iii) Refer to Groundwater protection: Principles and practice (GP3).
 - iv) Refer to British Standard Investigation of Potentially Contaminated Sites. Code of Practice (BS10175:2011)
- 08 Within any future detailed scheme, the applicant/developer is encouraged to:

- a. Electric vehicle charging points are installed for all residential properties, or at least cabling to allow them to be installed in the future.
 - b. Electric vehicle charging points installed for the proposed school and care home. I would also suggest a detailed travel plan is provided for both of these facilities.
 - c. Any efforts to encourage active travel should be pursued, this will help reduce the number of vehicles generated by the development and mitigate the air quality impact.
- 09 The applicant/developer is advised that Gwent Wildlife Trust would welcome the opportunity to provide further advice with regards to the creation and management of wildlife habitats within the development site.
- 10 In respect of the proposed school site, the applicant/developer is advised that:
- i) The playground/recreational spaces should be designed to achieve the noise levels specified within Building Bulletin 93 / WHO Guidelines 1999.
 - ii) The school is designed to have a separation distance between the school building(s) and residential properties to minimise noise disturbance.
 - iii) The Public Protection Department of the Council is contacted at the design stage of the school, to ensure that its design and construction include adequate noise mitigation measures to ensure that internal and external noise level are achieved.
 - iv) With regards to Conditions 18, 19, 20 and 22 (noise/ventilation), the applicant/developer is required to comply with the requirements of the document titled "Revised Site Suitability Addendum R03-HB (3 August 2017, Arup)"
- 11 The applicant/developer is advised to view the representations made (in full) by all consultees identified under Sections 4 and 5 of this report. The representations can be obtained by visiting www.newport.gov.uk/planning.
- 12 In respect of Condition 48, the applicant/developer is advised to contact the Waste Manager for the Council on (01633) 210 528.
- 13 The applicant/developer is advised that there is potential for buried archaeological resource at deeper levels on this site, therefore if any such remains is encountered during the construction phases, Glamorgan Gwent Archaeological Trust should be contact on 01792 655 208.
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APPLICATION DETAILS

No: 15/0775 Ward: **PILGWENLLY**

Type: Outline (Major)

Expiry Date: 31-MAY-2017

Applicant: **C LEWIS, WHITEHEADS DEVELOPMENT COMPANY 13A TEMPLE COURT, CATHEDRAL ROAD, CARDIFF**

Site: **Land Formerly Known As Whitehead Works, Mendalgief Road, Newport**

Proposal: **CONSTRUCTION OF 529NO. RESIDENTIAL UNITS, 24NO. ASSISTED LIVING UNITS, PUB/RESTAURANT, RETAIL UNITS, PRIMARY SCHOOL AND ASSOCIATED LANDSCAPE AND HIGHWAY INFRASTRUCTURE**

1. LATE REPRESENTATIONS

- 1.1 The applicant has submitted an amended phasing plan. The amended drawing is 14022 (05) 102 Rev.H – Proposed Phasing.
- 1.2 Additional comments have been received from the Head of Law and Regulatory Services (Public Protection) requesting that Condition 22 is amended to include the school site.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

- 2.1 The amended phasing plan and the request from the Head of Law and Regulatory Services (Public Protection) for an amendment to Condition 22 are considered acceptable. Whilst it does not alter the overall assessment and recommendation within the officers' report, paragraph 7.14 of the report and various conditions are required to be altered to take into account the amended drawing and to include the school site in Condition 22.

3. OFFICER RECOMMENDATION

- 3.1 That paragraph 7.14 of the report is amended to refer to the amended phasing plan to state:

The phasing plan 14022 (05) 102 Rev H – Proposed Phasing has taken these matters into account, thereby establishing the principles of how the site would be brought forward for development. As a result, the Authority can conclude that the site, 'in principle', is capable of accommodating residential development (of up to 529 units) within the residential quarters defined by the Masterplan.

- 3.2 That the application be Granted as per Paragraph 11 of the officer report and subject to the following amendments to Conditions 3, 5, 7 and 22:

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

14022 (05) 100 Rev B – Site Location Plan
14022 (05) 101 Rev D – Proposed Masterplan
14022 (05) 102 Rev H – Proposed Phasing
14022 (05) 103 Rev D – Parameters Plan Land Use
14022 (05) 104 Rev C – Parameters Plan Access & Movement
14022 (05) 105 Rev C – Parameters Plan Building Scales & Heights
14022 (05) 106 Rev C – Parameters Plan Landscape & Public Realm
14022 (05) 107 Rev C – Parameters Plan Density
14022 (05) 109 – Parameters Plan – 'Locked Down' Area
14022 (05) 110 – Site Sections
322.01 Rev B – Landscaping Strategy

Design and Access Statement (24 June 2015, Powell Dobson)

Design and Access Statement Addendum (21 March 2017, Powell Dobson)

Planning Statement (June 2015, The Urbanists)

Planning Statement Addendum (January 2017, The Urbanists)

Air Quality Assessment (26 November 2015, Arup)

Air Quality Assessment Technical Note (30 January 2017, Arup)

Drainage & Utilities Strategy Rev.0 (8 May 2015, Arup)

Drainage Strategy Technical Note 02 (20 January 2017, Cambria)

Transport Assessment (January 2015, Vectos)

Travel Plan [Interim] (June 2015, Vectos)

Technical Note (November 2015, Vectos)

Transport Assessment Addendum (January 2017, Vectos)

Revised Site Suitability Addendum R03-HB (3 August 2017, Arup)* [*this is an amalgamation of all previous noise assessment reports]

Pre-Development Tree Survey (May 2015, Broadway)

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

5. The development of land shall proceed sequentially in accordance with drawing number 14022 (05) 102 Rev H – Proposed Phasing or in accordance with an alternative phasing plan that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of the proposed dwellings and in the interests of highway safety.

7. No development shall commence in relation to any phase of development defined under Condition 05, as defined by drawing number 14022 (05) 102 Rev H – Proposed Phasing, until a Management and Maintenance Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall detail the interim measures to ensure that the land associated with Phase 4 of development is visually acceptable until these facilities are built. These interim measures shall be completed prior to the completion of Phase 1 of development defined by drawing number 14022 (05) 102 Rev H – Proposed Phasing and maintained at all times pending the completion of Phase 4.

Reason: In the interests of the visual appearance of the development.

22. No development shall commence within Phase 4 as defined under Condition 05 or the school site until a noise assessment has been submitted to and approved in writing by the Local Planning Authority. The noise assessment shall demonstrate that the noise emitting from any plant or equipment to be located within Phase 4 or the school site shall be controlled such that the rating level is 5db below background level, calculated in accordance with BS4142 (2014). All plant and equipment shall operate and be maintained in accordance with the approved noise assessment. If the noise assessment indicates that noise from the development will impact residents then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the local planning authority. The approved mitigation measures shall be implemented in full prior to the plant and equipment being brought into beneficial use.

Reason: In the interests of residential amenities.

APPLICATION DETAILS

No: 17/0365 **Ward:** STOW HILL

Type: OUTLINE

Expiry Date: 08-SEP-2017

Applicant: R PRICE

Site: LAND AND BUILDING ADJACENT AND WEST OF DERWEN HOUSE,
SPRING LANE, NEWPORT

Proposal: DEMOLITION OF GARAGE BLOCK AND ERECTION OF NEW
DWELLING

Recommendation: REFUSED

1. INTRODUCTION

- 1.1 This application seeks outline planning permission for the demolition of a double garage and the construction of a detached two bedroom house. Access, appearance, layout and scale are being considered by this application with landscaping reserved for future consideration.
- 1.2 The application site is located at the end of Spring Lane, which is a narrow lane accessed off Stow Hill and is to the rear of 13 to 23 Stow Park Avenue. The lane also serves as a main access to three other residential properties including 143A Stow Hill, Aubrey House and Derwen House. It also serves the rear of the 4 properties along the south of Stow Hill and the rear gated accesses to those properties along Stow Park Avenue which are mainly pedestrian except for a vehicular access to the Knoll guest house. The application site has a double garage building with the rest of the site being over grown with vegetation due to its vacant state. It is located within the Stow Park Conservation Area.

2. RELEVANT SITE HISTORY

08/0586	ERECTION OF DWELLING (OUTLINE)	Refused
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3. POLICY CONTEXT

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

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

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

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

Policy **SP18 Urban Regeneration** supports development which assists the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land.

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

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

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

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

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

Policy **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 **CE7 Conservation Areas** sets out the criteria that development proposals within or adjacent to the conservation area must comply with in order to preserve or enhance the conservation area.

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 **H6 Sub-division of Curtilages, Infill and Backland Development** permits such development only where it does not represent an over development of the land.

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

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

4. CONSULTATIONS

- 4.1 WALES AND WEST UTILITIES: Advise of apparatus in the area.
- 4.2 NEWPORT ACCESS GROUP: No response.
- 4.3 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: We have consulted the regional Historic Environment Record and note that the application area is situated within the archaeologically sensitive area of Newport, a short distance to the west of St Woollos' Church and north of the associated settlement. The church is mentioned in documents of c1100AD, which refer to it having existed for some time prior to that date; the village comprised a castle motte and the manor of Stowe.
 - 4.3.1 However, an archaeological watching brief was conducted by Monmouth Archaeology during the construction of the adjacent house in 1998, which followed an archaeological evaluation of the site. The work noted no evidence of any medieval activity, as well as a considerable overburden of clay and marl, deposited in the 19th century. Therefore, it is unlikely that significant archaeological remains will be encountered during the course of the current development.
 - 4.3.2 As a result, there is unlikely to be an archaeological restraint to this proposed development. Consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.
- 4.4 DWR CYMRU – WELSH WATER: The proposed works would not affect a public sewer or water main. Recommend a condition preventing surface water and/or land drainage from connecting directly or indirectly with the public sewerage network.
- 4.5 NETWORK RAIL: Holding objection, requests details of the demolition work to be carried out. It should be noted that Network Rail's Engineer is to approve details of any

development works within 15m, measured horizontally, from the outside face of the tunnel extrados (the upper or outer curve of the arch of the tunnel) with special reference to:

- The type and method of construction of foundations
- Any increase/decrease of loading on the tunnel both temporary and permanent.

Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary. Any proposal must not interfere with Network Rail's operational railway and not jeopardise the structural integrity of the tunnel. The above details should be submitted to the Council and only approved in conjunction with Network Rail.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF LAW AND REGULATION (ENV. HEALTH): No objection.
- 5.2 HEAD OF LAW AND REGULATION (CONTAMINATION): The historic land use of the site as a garage may have contributed contamination to the underlying soils. Recommends a condition requiring the submission of site investigation, remediation strategy and completion/verification report.
- 5.3 PLANNING CONTRIBUTIONS MANAGER: In accordance with the Adopted Newport Local Development Plan – Policy H4 – Affordable Housing, there is a policy requirement for sites of fewer than 10 dwellings within the settlement boundary, or fewer than 3 dwellings within the defined village boundaries, to provide a commuted sum contribution to assist the Council in meeting its on-going requirement for affordable housing. The planning obligation is required to mitigate the impact of the development and create a sustainable development.
- 5.3.1 Affordable Housing Contribution: Commuted sum payments for affordable housing will be sought on sites of fewer than 10 dwellings within the Housing Target Area of Newport West, based upon a 30% target. The methodology for establishing the housing target areas and calculating the associated payments is set out within the adopted Affordable Housing SPG (August 2015). Based upon a net increase of 1 x2 bed house, and subject to economic viability, a commuted contribution of £1,532 would be requested for affordable housing provision.
- 5.4 HOUSING AND COMMUNITY REGENERATION (AFFORDABLE HOUSING): Within the policy of the LDP there is a requirement for a commuted sum for the delivery of affordable housing for sites of fewer than 10 dwellings within the settlement boundary, to assist the Council in meeting its on-going requirement for affordable housing. The mechanism for calculating this contribution is to be advised by Planning Policy colleagues.
- 5.5 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): Objection. As part of a previous application (08/0586) it was stated that Spring Lane is an adopted highway which extends into the application site and that the Council would not agree to the stopping up of the highway rights due to the extremely limited opportunities for turning along the lane. This situation remains unchanged and therefore these comments are still considered valid. I also note that a gate has been erected which illegally obstructs the highway.
- 5.5.1 Spring Lane is narrow with no opportunities for passing resulting in the potential for vehicle conflict and the need for reversing manoeuvres potentially back out onto Stow Hill. It's width also results in limited opportunity for a vehicle and pedestrians to occupy the lane and visibility from the existing accesses is limited. Pedestrian visibility at the access point onto Stow Hill is also limited. Whilst I accept that this is an existing situation any increased vehicle movements are considered detrimental to highway safety.
- 5.5.2 I note that the site currently consists of 2 garages however in order to assess any existing vehicle movements I require further information such as, do the garages provide parking for a neighbouring property and how the garages are currently utilised.
- 5.5.3 Will the loss of the garages or any part of the site result in the loss of parking for an existing property?

- 5.5.4 Spring Lane is not considered suitable to accommodate a refuse vehicle. I would therefore question how refuse would be collected given that the distance to Stow Hill is not considered an acceptable distance for refuse to be carried.
- 5.6 HEAD OF STREETSCENE AND CITY SERVICES (DRAINAGE): No details have been provided to advise as to how surface water shall be managed for this application. It is suggested that such details be provided in order for it to be assessed.
- 5.7 HISTORIC BUILDINGS AND CONSERVATION OFFICER: The site falls within the Stow Park Conservation Area. It is accessed from a characterful rear lane serving a development of late Victorian/Edwardian houses, though the existing modern garage and plot does little to contribute to the character of the conservation area.
- 5.7.1 I note that the application has been submitted in outline, which would not ordinarily be appropriate within a conservation area, although in this case the information available seems sufficient to understand the impact of the development on designated heritage assets.
- 5.7.2 It is stated within the submitted Design and Access statement that *“The design of the proposed house is a contemporary interpretation of the character of the garages, coach houses or the workshops that would have formed an everyday part of urban life at the time of the construction of the surrounding houses.”* This design approach seems appropriate, but I’m unconvinced that the elevational treatment or the site layout has been successful in achieving such an aim. In particular, the position of the new building on the plot does not seem appropriate and the whole presents a rather cramped, modern domestic feel that does not seem to relate well to the historic character of the area.
- 5.7.3 As such, I feel unable to support these proposals as I consider that they would fail to preserve or enhance the character of the conservation area.
- 5.8 HEAD OF STREETSCENE AND CITY SERVICES (TREE OFFICER): The tree appears to be in a healthy condition, it is a good size and a good shape. It therefore contributes to the Conservation Area. Tree information should be submitted in line with BS5837:2012 (including above and below ground constraints).
- 5.9 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): Recommend that an ecological appraisal of the site be undertaken. This should identify any habitats of ecological interest as well as identifying the need for additional surveys. The garages themselves should be assessed for bat potential and if applicable further surveys may be required.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All neighbours sharing a common boundary with the application site were consulted (5 properties), a site notice displayed and a press notice published in South Wales Argus. 3 representations and a joint response from 4 properties were received. The following summary of comments were made:
- The proposal appears cramped and detrimental to the appearance of the conservation area;
 - Loss of privacy to Aubrey House from a first floor window;
 - Overlooking to rear garden of 22 Stow Park Avenue;
 - Detrimental to existing wildlife habitats. Bats, owls and other bird species are visitors to the site;
 - The regular use by 2 cars would increase noise levels outside of neighbouring house;
 - The end part of lane is seldom used, the proposal would have impacts on the safety of the highway and its users;
 - Amenity space is limited and barely meets the minimum requirement of 1 square metre per square metre of floorspace. The back garden only extends 3.5 metres rather than the prescribed 10 metres;
 - Loss of light to the adjacent property, Aubrey House, where a south facing dining room lies only 8 metres from the proposed new property;

- Planning Policy Wales (PPW) requires the submission of a full planning application for development affecting conservation areas in order that sufficient detail is provided to allow for proper consideration of the impact of the development. The application is in outline and no evidence has been submitted which would seek to address the previous reason for refusal relating to impact on the Stow Park Conservation Area, i.e. *'due to the size of the plot and its restricted nature would be out of character with the density and form of development in the area and would represent an over-intensive use of the land to the detriment to visual amenities of the Conservation Area.'* As such the planning application conflicts with advice in PPW , LDP Policy CE7 and SPG on New Dwellings.
- The site is well vegetated and there is at least one mature specimen present. No Tree Survey has been submitted with the planning application which would seek to demonstrate that trees can be removed, or if retained, root protection zones can be allowed for. Similarly, the presence of trees and dense shrubs point to potential nature conservation interest, and no information has been submitted which would be needed to identify any ecological constraints and establish what mitigation may be necessary;
- Spring Lane has no footways, and is of insufficient width to accommodate larger vehicles. Indeed along most of its length there is limited space to open car doors and a lack of refuge for passing pedestrians. As highlighted in the Councils Highway comments, there is no turning space, forcing cars to reverse out onto Stow Hill where visibility at the junction is restricted. Refuse vehicles, and larger delivery vehicles and removal vans are unable to negotiate the lane and this would lead to unacceptable arrangements, particularly as there are parking restrictions along Stow Hill;
- The increase in vehicle and pedestrian movements along Spring Lane that would be generated by the proposal would be such as to lead to an increase in the potential for conflict between users on a severely sub-standard highway and thus compromise highway safety; and
- The site lies within an Archaeological Sensitive Area associated with the original medieval occupation of the plateau area in the vicinity of St Woolos Cathedral. A reason for refusal (4) of the previous planning application for a single dwelling stated that *'In the absence of an archaeological evaluation of the site, the application fails to demonstrate that there would not be a detrimental impact on the archaeological resource of the area.'* As no desk based, or other evidence has been submitted, the application remains contrary to advice in TAN 24 and LDP Policy CE6.

6.2 COUNCILLOR AL NUAIMI: In view of representations from residents concerned about the impact on the Stow Park Conservation area as well as neighbouring residents amenities I request that this application is put on the agenda of the Planning Committee for determination.

7. ASSESSMENT

7.1 The proposal

It is proposed to demolish a double flat roofed garage and construct a two bedroom dwelling which measures 8.9m by 5.6m. It would have a uniform rectangular shape with a pitched roof measuring 5.1m to the eaves and 7.45m at its maximum height. It would be finished in render with timber cladding features. The roof would have cement roof slates and the windows and doors would be grey coloured coated aluminium. The area where the garage would be demolished would be used for car parking and a turning area.

7.1.2 The north facing elevation would have a door and small window to a downstairs toilet on the ground floor. There would be a landing window in the first floor of this elevation. This elevation faces towards the adjacent Aubery House. There would be no windows or doors in the south facing elevation, which faces towards the rear garden of 24 Stow Park Avenue. The west elevation faces towards the rear of 23 Stow Park Avenue. This elevation would have a door and window at ground floor serving a kitchen/dining room; and there would be a bedroom window at first floor. The east elevation faces towards the side elevation of Derwen House. This elevation would have a door and window at ground floor serving a living room; and two windows at first floor serving a bedroom and bathroom. Two roof lights are proposed in the south facing roof slope.

7.2 Planning History

An application (08/0586) for the erection of a detached dwelling was previously refused in July 2008. The application was for outline permission with access for consideration. The application included the demolition of one half of the existing garage and it was indicated that a house of similar proportions would be positioned centrally within the site; although the precise appearance, scale and siting were reserved for future consideration. The application was refused for the following reasons:

- (1) The proposal to construct a dwelling on the site due to the size of the plot and its restricted nature would be out of character with the density and form of development in the area and would represent an over-intensive use of the land to the detriment to visual amenities of the Conservation Area. The proposal therefore fails to preserve or enhance the character or appearance of the Conservation Area and is contrary to Policies H2, CE20 and CE21 of the Newport Unitary Development Plan 1996-2011 (Adopted May 2006).*
- (2) The application fails to demonstrate that an adequate turning area can be provided to enable vehicles to access and egress the site in a forward gear. Furthermore, the proposed parking and turning area required to serve the development would be unacceptable as it would involve removing part of the adopted highway necessary for the turning of vehicles on Spring Lane for existing residents. As such the proposal would be detrimental to highway safety, contrary to Policy H2 of the Newport Unitary Development Plan 1996-2011 (Adopted May 2006).*
- (3) Due to the restricted nature of the site, the likely location of the dwelling close to the boundary of the site and low level of amenity space for the future occupiers, the dwelling would be detrimental to the amenities of prospective occupiers of the proposed development. This is contrary to Policy H2 of the Newport Unitary Development Plan 1996-2011 (Adopted May 2006).*
- (4) In the absence of an archaeological evaluation of the site, the application fails to demonstrate that there would not be a detrimental impact on the archaeological resource of the area. This is contrary to Policy CE27 of the Newport Unitary Development Plan 1996-2011 (Adopted May 2006) and Welsh Office Circular 60/96, Section 13.*

7.3 Neighbouring residential amenity

The New Dwellings Supplementary Planning Guidance sets out guidance in the relationship with neighbouring properties in order to protect privacy and to prevent loss of light to protected windows.

- 7.3.1 In order to prevent loss of privacy to protected windows 21m separation distances should be achieved. There would be protected windows in the east and west facing elevations, at ground and first floors. The west elevation would face towards 23 Stow Park Avenue. There would be 22.5m between windows in the west elevation and the rear elevation of 23 Stow Park Avenue. The east elevation would face towards the side elevation of Derwen House which is a blank elevation largely screened by a tall boundary wall, as such there would be no loss of privacy. There would be no windows in the south facing elevation and a landing window at first floor in the north facing elevation. This window does not serve a habitable room and as such it is not considered that there would be any loss of privacy to the neighbouring occupier (Aubery House).
- 7.3.2 The SPG recommends that in order to prevent overlooking between existing and proposed properties suitable distances must exist between high-level protected windows and adjacent back gardens. The rear garden of 23 Stow Park Avenue shares the western boundary and there would be 8m between the first floor bedroom window in the west elevation and this shared boundary. There is an existing 2m high stone wall along this boundary which is considered to be high enough to prevent the closest views of the neighbouring rear garden. When measuring a line of sight from the proposed first floor window views would only be possible around 15m from the window which is considered to be an acceptable separation distance.

7.3.3 The SPG also sets out guidance to prevent loss of light to neighbouring protected windows. The nearest neighbouring property is Aubery House to the north of the application site. This property has a set of double doors in the side elevation facing the application site. These doors serve a living room. It is noted that the garden in front of these doors is well vegetated with a pergoda type of structure providing semi cover of the area. The SPG recommends a daylight test which involves drawing a 25 degree splay line to the horizontal 2m above the ground level. Should the proposed dwelling interfere with this splay then it is considered likely that the building would impinge on the diffuse daylight available to the existing property. In this case the 25 degree splay crosses the highest part of the proposed roof. In this instance the portion of the proposed roof which is dissected by the 25 degree splay is minimal and it is not considered that this small infringement would be harmful to the neighbouring occupiers amenity, particularly when considering the amount of vegetation and pergoda structure in front of the living room window.

7.4 **Future residential amenity**

The New Dwellings SPG recommends that detached dwellings with at least 2 bedrooms have 1 square metre of amenity space for every square metre of the unit's footprint. The proposed dwelling would have a footprint of 49.84 square metres. Whilst the proposed garden would not be conventionally to the rear of the building and would span around the front of the house to the eastern portion of the site; it would measure approximately 59 square metres which is considered to be acceptable. It is acknowledged that the previous application was refused because it was considered that there would be insufficient amenity space for future occupiers. However, the position of the house is different to the previous proposal and it allows for a garden area to be created to the front and side of the house. This assessment also considers the New Dwellings SPG which did not exist when considering the previous application.

7.5 **Conservation Area**

The Councils Historic Buildings and Conservation Officer objects to the proposal. The Officer considers that the position of the new building on the plot is not appropriate and represents a cramped, modern domestic feel that does not seem to relate well to the historic character of the area.

7.5.1 The Historic Buildings and Conservation Officers concerns are understood however, it is considered that the proposed house would be a modest sized building with a simple form. It would sit alongside the more modern developments of Aubery House and Derwen House. When read alongside these buildings it is not considered that the proposed house would be at odds with the immediate character of the area. Notwithstanding this, whilst the application site is within the conservation area the proposed house would not be widely visible from public views and as such it is considered that its impact would be limited. On balance it is considered that the proposed house would not be harmful to the character and appearance of the conservation area.

7.5.2 Concerns have been raised that the application is for outline permission and that a full planning application should have been submitted in order that sufficient detail is provided to allow for proper consideration of the impact of the development. These comments are noted however, the application only seeks to reserve landscaping for future consideration and as such all other details are provided. The Historic Buildings and Conservation Officer is satisfied that there is sufficient information to understand the impact of the development on designated heritage assets.

7.6 **Highways**

Spring Lane is a narrow access which has no opportunities for passing. This leads to the potential for vehicle conflict and potentially the need for reversing manoeuvres onto Stow Hill, which is a busy route through the city. Its width also results in limited opportunities for a vehicle and pedestrian to occupy the lane; and visibility from the existing residential accesses along the lane are limited. It is also recognised that pedestrian visibility at the access point onto Stow Hill is restricted by existing buildings and boundary walls.

7.6.1 The Councils Highways Officer recognises that the site has an existing double garage which would provide parking for two vehicles. The Officer has queried how the garages are

currently used and whether they are associated with any other residential property. The applicant has clarified that the garages are no longer associated with a residential property and they are used for storage. This satisfies concerns that there could be a loss of parking for an existing property however, it raises concerns that the proposal would result in an intensification of the site and as such the lane. The existing situation is that vehicles could travel along Spring Lane to access and park in these garages. However, it is considered that because the garages are no longer associated with a residential property their use is likely to be much less frequent than the daily movements associated with a house on this site. It is considered that there would be an increase in vehicle movements along the lane which, due to the substandard width and restricted visibility would be harmful to highway and pedestrian safety.

7.6.2 The Highways Officer also comments that Spring Lane is an adopted highway which extends into the application site. The Officer has stated that the Council as the Highway Authority would not agree to the stopping up of the highway rights due to the extremely limited opportunities for turning along the lane. Whilst stopping up the highway is a separate consenting regime the loss of this potential turning area is a material consideration for this application. The application proposes to construct the house over a small portion of the adopted highway and has shown a vehicle turning area for the house across the adopted highway. This would prevent any future turning manoeuvres for other highways users which is considered to be harmful to highway safety.

7.6.3 It is noted that there is a gate across the entrance to the application site which is unauthorised.

7.6.4 The Highways Officer is also concerned that Spring Lane is not suitable to accommodate a refuse vehicle and that the distance for refuse to be carried to Stow Hill from the application site is too far; at approximately 84m. These concerns are noted however, there is no guidance in terms of what is a reasonable distance for bins to be carried/wheeled. It might not be an unreasonable distance for an occupier to wheel a bin along this lane and it is certainly the current arrangement for other residents along the lane. However, given the narrow width of the lane and its restricted visibility it is not considered acceptable that additional residents be required to travel along this lane where there is potential for vehicle and pedestrian conflict.

7.7 **Trees and Ecology**

The application site is currently partly overgrown with vegetation and there is one notable mature Birch tree. There is also an area of hardstanding in front of the garages which extend towards the eastern portion of the site. The Councils Tree Officer has commented that the tree appears to be in a healthy condition, it is a good size and a good shape; and it contributes to the conservation area. The Officer requires tree information to be submitted in order to clarify how healthy the tree is and its life expectancy. Tree information can also establish whether the proposed house would adversely effect the tree. The applicant has not provided this information and as such it forms a reason for refusal.

7.7.1 The Councils Ecology Officer recommends that an ecological appraisal of the site be undertaken. This appraisal should identify any habitats of ecological interest as well as identifying the need for additional surveys. The Officer also recommends that the existing garages should be assessed for bat potential which may result in further surveys being required. A neighbour has also commented that bats have been seen at the site, along with Owls in the Birch tree.

7.7.2 The comments of the Ecology Officer are acknowledged in terms of the recommendation for an ecological appraisal. However, the application site is small in area and located in a relatively dense urban environment. Only a small part of the site is covered in vegetation and as such it is not considered that the need for an ecological appraisal is commensurate with the scale of development and the area of vegetation present. Furthermore, there would be no recourse through the planning system should the applicant intend to clear the vegetation at any stage. It is noted that under the Wildlife and Countryside Act 1981 it is an offence to kill, injure or take away the nest of any wild bird; and similarly any protected species such as reptiles.

7.7.3 In terms of the potential for bats it is noted that neighbours have stated that bats have been seen at the site. As the proposal involves demolition of the garage building it is considered necessary for at least a bat scoping exercise be undertaken. The applicant is aware of this requirement but given the other fundamental concerns regarding highway safety the survey work has not been undertaken, as such it forms a reason for refusal.

7.8 **Archaeology**

The application site is in an Archaeologically Sensitive Area. The Glamorgan Gwent Archaeological Trust has commented that the site is a short distance from St Woollos Church. They note that the church is mentioned in documents of c1100AD which refer to it having existed for some time prior to that date; the village comprised a castle motte and the manor of Stowe. The Trust comment that an archaeological watching brief was conducted by Monmouth Archaeology during the construction of the adjacent house in 1998 (Aubery House), which followed an archaeological evaluation of the site. The work noted no evidence of any medieval activity, as well as a considerable overburden of clay and marl, deposited in the 19th century. The Trust advise that it is unlikely that significant archaeological remains will be encountered during the course of the current development. As a result, there is unlikely to be an archaeological restraint to this proposed development and the Trust have no objection to the proposal.

7.9 **Planning Obligations**

In accordance with Policy H4 commuted sum payments for affordable housing will be sought on sites of fewer than 10 dwellings within the Housing Target Area of Newport West (based upon 30% provision). The methodology for establishing the housing target areas and calculating the associated payments is set out within the adopted Affordable Housing SPG (August 2015). The proposed development generates a commuted sum of £1,532. The applicant has agreed to pay this contribution.

7.10 **Drainage**

The applicant has stated that it is proposed to discharge both foul and surface water drainage to the main sewer. It is noted that there is a combined sewer running along Spring Lane. Welsh Water has commented that the proposed works would not affect a public sewer or water main. They also recommend a condition preventing surface water and/or land drainage from connecting directly or indirectly with the public sewerage network. The Councils Drainage Officer comments that no details have been provided regarding how surface water shall be managed for this development. The applicant has stated that surface water drainage would connect to the main sewer however, Welsh Water seek to prevent surface water from connecting with the public sewerage system. As such it would be appropriate to secure details of surface water drainage through a condition.

7.11 **Contamination**

The Councils Scientific Officer has commented that the existing garage may have contributed to contamination to the underlying soils and as such recommends a condition requiring the submission of a site investigation followed by a remediation strategy if contamination is revealed and a completion/verification report following remediation. The recommendations of the Officer are noted however, there is no evidence to suggest that historically the garage has been anything other than a domestic garage. The garage is currently used for storage however, the applicant has clarified that this is in association with their building development business. It is not considered that such uses are reasonably associated with polluting activity or the storage of polluting substances. It is not considered reasonable to require a site investigation.

7.12 **Impact on railway tunnel**

Network Rail have stated that they have a holding objection and they require details of the demolition work to be carried out. They also require details of any development works within 15m, measured horizontally, from the outside face of the tunnel, in particular the type and method of construction of foundations and any increase/decrease of loading on the tunnel both temporary and permanent. They require certified proof that the proposals shall have no detrimental effect upon the tunnel and they advise that any proposal must not interfere with Network Rail's operational railway and not jeopardise the structural integrity of the tunnel. The applicant is aware of this requirement but given the other fundamental

concerns regarding highway safety the details have not been provided; and as such it forms a reason for refusal.

7.13 **Noise**

Concerns have been raised that increased vehicular movements along Spring Lane will result in increased noise to neighbouring residential properties. These concerns are noted however, given the context of the site within a relatively dense urban environment, with busy roads to the north (Stow Hill) and west (Stow Park Avenue), it is not considered that the additional vehicular movements would be significantly different to the current vehicular noise levels in the area and as such would not cause additional harm to neighbouring occupiers.

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 development is considered to be unacceptable and contrary to Policies SP9, GP4, GP5, GP7 and W3 of the Newport Local Development Plan 2011-2026; and the New Dwellings and Development and Wildlife Supplementary Planning Guidance. It is recommended that planning permission is refused.

10. RECOMMENDATION

REFUSED

01 The development would result in increased vehicular movements along Spring Lane which is a narrow access with no opportunities for vehicles to pass each other and limited opportunities for vehicles and pedestrians to pass each other. There is limited visibility from existing residential accesses along the lane and restricted pedestrian visibility at the access point onto Stow Hill. Increased vehicular movements along this lane would be harmful to highway and pedestrian safety which is contrary to Policy GP4 of the Newport Local Development Plan 2011-2026 (Adopted January 2015) and the New Dwellings Supplementary Planning Guidance (Adopted August 2015).

02 The development would involve removing part of the adopted highway necessary for the turning of vehicles on Spring Lane for existing residents, this would be harmful to highway safety and contrary to Policy GP4 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

03 The development would result in refuse disposal arrangements which would require future residents to travel along Spring Lane where there are limited opportunities for vehicles and pedestrians to pass each other. This is harmful to pedestrian safety and is contrary to Policy GP4 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

04 The application fails to demonstrate that the proposed development would not have an adverse impact on a protected species or trees. This is contrary to Policies SP9 and GP5 of the Newport Local Development Plan 2011-2026 (Adopted January 2015); and the Wildlife and Development Supplementary Planning Guidance (Adopted August 2015).

05 The application fails to demonstrate that the proposed development would not have a detrimental effect on the railway tunnel which passes beneath the application site. This is harmful to public health and safety and is contrary to policy GP7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: 346/03.17 C1.1, 346/03.17 C2.1, 346/03.17 C2.2, site location plan and Design and Access Statement (April 2017).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, SP13, SP18, GP2, GP4, GP5, GP6, GP7, CE6, CE7, H4, H6, T4 and W3 were relevant to the determination of this application.

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

04 Supplementary Planning Guidance New Dwellings, Parking Standards and Wildlife and Development (Adopted August 2015) were relevant to the determination of this application.

APPLICATION DETAILS

No: 17/0365 Ward: **STOW HILL**

Type: Outline

Expiry Date: 08-SEP-2017

Applicant: **R PRICE 26, STOW PARK AVENUE, NEWPORT, NP20 4FL**

Site: **Land And Building Adjacent And West Of Derwen House, Spring Lane, Newport**

Proposal: **DEMOLITION OF GARAGE BLOCK AND ERECTION OF NEW DWELLING**

1. LATE REPRESENTATIONS

1.1 A letter from the applicant raising the following points:

- 1) Contests that the development would lead to increase vehicle movements. There is an existing double garage. The applicant is asking for only one parking space but understands that there is a requirement for two spaces. Whilst the garages have been little used recently there is nothing to suggest that this will remain the case. There is compelling evidence both here and nationally that city dwellers are increasingly moving away from cars, at present I am responsible for 36 'households' in the immediate vicinity to Spring Lane, of which only 11 are car users, less than one car per three households.
- 2) Highways suggest that Spring Lane is "...a highway that needs to be preserved for the public's use". The lane serves only as a means of access to properties, with the top half exclusively for the benefit of Aubrey House and the application site. They further suggest that the gate, which has clearly been there for years, is illegal and should be removed...if that were to be the case, we would be subjected to continued fly tipping (we have even had a car abandoned there) and be an easier target for illegal activity.
- 3) The protocol for waste collection on Spring Lane and the properties on Stow Hill is long established and whilst not entirely suitable, there are no alternatives.
- 4) The applicant considers the tree(s) as a bonus for the site, and unlikely to be in conflict with any development. With some imagination I believe the site could be turned into a little oasis, along with ecology, the development would be carried out under guidance from the various departments.
- 5) The applicant considers the proposed dwelling to comply with many of today's demands. It would be timber framed, sustainable, affordable, safe and secure, with minimal impact on the environment. The building would probably sit on a slab of a similar size to the existing one. When there has been far more intrusive development all around this should be of no concern regarding the tunnels.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

2.1 The applicant's comments are noted however, it is not considered that they alter the assessment contained within the officers' report.

3. OFFICER RECOMMENDATION

3.1 It is recommended that the application is refused for the reasons set out in paragraph 10 of the officer report.

APPLICATION DETAILS

No: 17/0605 **Ward:** CAERLEON

Type: FULL (MAJOR)

Expiry Date: 14-SEP-2017

Applicant: MORGAN SINDALL

Site: CAERLEON LODGE HILL PRIMARY SCHOOL, LODGE HILL, CAERLEON, NEWPORT, NP18 3BY

Proposal: DEMOLITION OF EXISTING JUNIOR SCHOOL AND ERECTION OF NEW PRIMARY SCHOOL, TO INCLUDE PUBLIC PLAY EQUIPMENT AND PUBLIC OPEN SPACE, CREATION OF PARKING AREA AND SPORTS FACILITIES AND DROP OFF/COLLECTION BAY AND ASSOCIATED INFRASTRUCTURE

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 Lodge Hill Primary School is located to the west of Caerleon in a residential area. The school comprises of an infant and junior school in two separate buildings. The infant school is located to the north of an area of open space with separate vehicle access to the junior school from Hadrian Close. Whilst the new school would accommodate infant pupils, the infant school itself does not form part of the application site and the applicant advises that it will be retained by Newport City Council Education department for an as yet undetermined educational use.
- 1.2 The proposals involve the demolition of the existing primary school (excluding the infant school building) and construction of a new single storey primary school, to include teaching space, catering facilities, dining hall, reception lobby, offices, hall, and supporting ancillary accommodation and pump and sprinkler house. A new drop-off area is proposed adjacent to Roman Way although the existing vehicle access on Lodge Road would be retained. Mixed use games areas are proposed to the south-east of the site and the existing public play equipment is to be re-sited to the south-western corner of the site. A turfed sports pitch and running area are proposed to the east of the site and a woodland learning area is proposed to the north-east. A new footpath link to Hadrian Close would be provided to the north of the site.
- 1.3 The new school would provide improved facilities for a 1.5 form entry school serving 350 pupils.
- 1.4 The Education department advise that the existing junior school building is one of the worst condition buildings in the education estate and will be an increasing burden on the local authority to keep safe and fit for purpose. The state of the building also presents challenges to effective teaching and learning of the modern curriculum. The proposals are of significant merit in educational terms.
- 1.5 Being within the settlement boundary, the re-development of the school is acceptable in principle subject to all relevant planning considerations.

2. RELEVANT SITE HISTORY

09/1213	ERECTION OF EXTERNAL CANOPIES FOR EXTERNAL PLAY	Granted with Conditions
09/1055	REMOVAL OF EXISTING GATES, AND THE ERECTION OF 2.4 METRE HIGH VERTICAL BAR GATES	Granted with Conditions

3. POLICY CONTEXT

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

The following policies of the Adopted Local Development Plan are considered to be of most relevance:

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

SP12 – Community Facilities promotes development of new community facilities such as places of worship, cemeteries, health centres, nurseries, museums, public halls, cinemas, concert halls, allotments, leisure use etc. Development that affects existing community facilities should be designed to retain or enhance essential facilities.

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.

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.

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.

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.

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

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

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

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

3.2 *Parking Standards SPG*

The Parking Standards SPG sets out details of parking requirements the Council will seek for all types of developments.

4. CONSULTATIONS

4.1 NATURAL RESOURCES WALES (ECOLOGY): No objection.

- 4.2 DWR CYMRU - WELSH WATER: We note the intention to connect surface water from the new school building to the existing surface water sewer on Augustan Drive. We have previously had detailed dialogue with the developer regarding the drainage of the proposed development. It was requested that before we can consider a connection to the surface water sewer (as shown on the submitted plan 50/001), we would require evidence that all options of sustainable surface water drainage options have been exhausted. To date these have not been forthcoming. The report produced under this application provides no further justification for this matter of surface water disposal. For this reason we currently object to the proposed drainage scheme and we would request the applicant to submit evidence that

all options of sustainable surface water disposal have been considered to Welsh Water. This includes a demonstration as to why the ground is not suitable for onsite soakaways and why local watercourses have been discounted as an option of sustainable drainage.

- 4.3 WALES & WEST UTILITIES: Provide details of equipment.
 - 4.4 NEWPORT ACCESS GROUP: No response.
 - 4.5 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST LTD: No response.
 - 4.6 SPORTS WALES: The proposal involves a significant part of the site being developed and there is no alternative provision being made available. It is justified on the basis of an open space assessment indicating a surplus in the area but Sport Wales questions the soundness of the assessment with the open space over a mile away included. In addition, the application site appears to be the only recreational space in that area of Caerleon of a meaningful size that is relatively flat and could accommodate informal games, kickabouts or perhaps some community events but apart from the relocated play area it will become restricted to school use only. Unless further information can be provided satisfying the above planning policies, Sport Wales would object to the application.
- 5. INTERNAL COUNCIL ADVICE**
- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): The principle of development is acceptable. The Transport Assessment confirms the proposal will have a marginal impact on the local highway network. The increase is due to an additional 10 Special Education Needs pupils. However, the additional pupils currently travel to facilities outside of Caerleon to attend school but live within Caerleon. The provision of the 10 SEN spaces at Caerleon Lodge will reduce the level of travel into and out of Caerleon. The interim Travel Plan is also acceptable. A survey of the modal travel to school in May 2017, confirmed that pupil travel to school is 12% lower than the national average. To encourage an increase in sustainable access to the merged school the interim plan must be reviewed within four months of occupation with the full travel plan implemented as soon as practically thereafter and by the end of the first year at the latest ready for the second intake. The plan will need to be monitored annually for a further 4 years. This will need to be the subject of a suitable condition. The proposed Drainage Strategy is acceptable.
 - 5.2 HEAD OF STREETSCENE AND CITY SERVICES (DRAINAGE): From reviewing the drainage strategy and associated drawings, the applicant intends to connect surface water drainage into a statutory undertaker's adopted drainage network. In principle, this approach is acceptable. However, the applicant has not yet gained 'agreement' for a connection into adjacent sewer network, i.e. further justification is required. I therefore suggest that the applicant obtains the relevant agreement to allow for connection into existing surface water sewer.
 - 5.3 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPE): No objections.
 - 5.4 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): No bats were seen emerging from the building and the building is deemed as having negligible potential therefore no further surveys are required. I am satisfied with the information provided. I am happy for demolition to proceed in accordance with recommendations made in the report relating to if a bat was found during demolition and the enhancements.
 - 5.5 HEAD OF STREETSCENE AND CITY SERVICES (TREES): Offers no objections subject to conditions.
 - 5.6 HEAD OF LAW AND REGULATION (NOISE) or (POLLUTION): No objection.
 - 5.7 HEAD OF STREETSCENE AND CITY SERVICES (LEISURE): We have been working with Newport Norse to agree a suitable location for the re-siting of the toddler and junior playground equipment and following lengthy discussions the area selected will ensure that the users will suffer very little in the way of disruption whilst the school is being constructed and they will continue to enjoy full and clear access once the works have been completed.

Additionally, the grassed open space that was originally available is to continue to be provided for sports days and informal use, albeit in a slightly reduced size. Consequently, Parks and Green services would not oppose the development at this time.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (357 properties), a site notice displayed and a press notice published in South Wales Argus. Two responses have been received. One is from a neighbouring resident requesting clarification of what is proposed to happen with the existing nursery school and the other is from a resident of Gwladys Place referring to privacy issues that they have experienced since the demolition of garages at the rear of their property. In relation to the proposed development they state that they do not object but they consider the proposals will affect them.
- 6.2 CAERLEON CIVIC SOCIETY: No response.
- 6.3 PONTNHIR COMMUNITY COUNCIL: Under the provisions of the Active Travel Act your authority has already published an excellent Integrated Network Map 2 of the Caerleon area which shows existing and proposed routes in the vicinity of the school. It is important that funding is made available to complete these. A contribution from the replacement building costs of Lodge Hill School should be included in the new school budget towards these proposals. In particular the routes connecting the school towards and along the Ponthir Road Caerleon should have a high priority.

7. ASSESSMENT

- 7.1 The school currently comprises of two 1960's modular buildings and demountable building accommodation all of which have been assessed as being category C for both condition and suitability (category A being best performing building and category D being the worst). The buildings are not fully DDA compliant. The school also lacks adequate external play provision facilities. The Authority does not have any Category D buildings within its education portfolio, the school buildings are therefore some of the worst performing education assets that the authority currently has and are no longer considered fit for purpose. The new school will replace the two buildings with a purpose built Category A facility that will provide a DDA compliant, 21st Century school facility installed with a sprinkler installation and will also reduce the authorities ongoing operation and maintenance liability costs and will reduce energy consumption and CO2 emissions.
- 7.2 The two school buildings are currently separated by the education appropriated schools playing fields (lower plateau field) which adjoin the open leisure land(upper plateau) which are unmanaged and are not used by any local sports clubs and are predominantly used by dog walkers, consequently this regularly prevents the school from using the sports fields for curriculum delivery due to the inconsiderate use of the playing field facilities by dog owners and others undertaking anti social behaviour that leave the grounds unsafe for pupils.
- 7.3 The proposed scheme requires the construction of the school on the upper plateau for ease of access to the main thorough fare (Roman Way) and to ensure that the school is visible within the community. The schools sport field will be retained and is intended to be improved. This facility will also be fenced off from the remainder of the school site which could allow the field to be accessed outside of school hours for managed use. There would however be a management implication to the authority to consider as neither education nor leisure currently have revenue funding for the opening/closing of the gates to prevent unauthorised use by dog walkers and other anti social activities taking place.
- 7.4 Currently, the existing vehicular and main pedestrian access to the school is from Lodge Road. The proposed redevelopment of the site would include the retention of the existing vehicular access leading to a parking area for teachers and school staff but the main pedestrian access for pupils would be from an acces point on Roman Way to coincide with the new vehicle drop-off point to a clearly designated school entrance. This area will be gate controlled and locked outside of school hours. The nursery and infant facility will be located to the north-east corner of the building and would have a separate play area from the junior school. The drop-off/pick up point for the nursery and infants will be accessible by

foot from Roman Way and Hadrian Close via a footpath link. The access to school from the path will be gated.

7.5 **Design**

The rectangular shaped school building would measure approximately 32m in width, 70m in length. The building would comprise of one central element measuring 7m in height with a pitched roof and two smaller mono-pitched wings having a maximum height of 4.5m. In terms of materials this would consist of through colour render for the elevations and grey metal panels for the roof. Attached canopies are proposed either side of the building. A sprinkler tank and pump house are proposed to be sited centrally within the site.

7.6 The building would have a modern, utilitarian design with high level glazing that would ensure a light and airy internal layout which is capable of being adapted with relative ease to suit the teaching needs. The design of the building is considered to be of significant visual improvement compared to the existing school building which is somewhat dated.

7.7 Fencing is proposed around the perimeter of the site and also within the site to separate different areas of the site. Full details of the fencing can be secured by condition and there is no objection in principle to the boundary treatments.

7.8 **Amenity**

There are residential properties surrounding the site with the potential to be affected by the proposals. However, given the distances involved; over 20m between the new building and the nearest properties to the north. It is not considered that the new school building would result in a detrimental impact to neighbouring privacy or amenity. Similarly, it is not considered that the other elements of the proposals, i.e. playing field, equipped play, school parking and circulation space would result in a detrimental impact to neighbouring privacy or amenity given the distances between the site and the neighbouring properties and also considering the existing use of the site which is for comparable purposes. Full height glazing is proposed in the north elevation of the building and there is potential for overlooking of the gardens of properties in Flavius Close due to the difference in levels and from the high level glazing if a mezzanine floor were to be installed and so it is recommended that a condition be imposed preventing the installation of a mezzanine in this part of the building and also requiring details of proposed boundary treatments within this area.

7.9 As noted above, it is proposed to re-site the existing play equipment to the south-western corner of the site near to the junction of Lodge Hill and Roman Way. It is proposed to re-use as much of the play equipment from the existing public play area as possible although the extent of this would not be known until the works are undertaken. There is no objection to the siting of the play area here given the existing school use of the site and that this area is currently used as a play ground. However, due the presence of a neighbouring dwelling adjoining the opposite side of Roman Way and Lodge Road it is considered that in the interests of neighbouring amenity a condition should be imposed requiring details of any play equipment above 2m in height to be submitted to the LPA for approval.

7.10 Currently there are no proposals for the sports pitches and games areas to be floodlit and full planning permission would be required if the applicant wanted to install floodlights at a later date.

7.11 **Highways**

As noted above, at present the main pedestrian and vehicle access points to the school are located along Lodge Hill. These access points are to remain, although a new pupil drop-off/pick up area and delivery area is to be created along Roman Way. The existing bus stop on Roman Way is to be retained. The existing pedestrian access along Lodge Road would provide access to the relocated play area and public open space, while the existing vehicle access would provide access to an improved staff car parking area. The new pupil drop off/pick up area would enable vehicles to pull-in off the road to drop pupils off close to the school entrance. This area will also serve as a delivery area for the school. 33no standard

vehicle parking spaces are to be provided within the site and 2no disabled spaces. The spaces would be formally demarcated. During construction, access will be off Roman Way to allow the existing school to function safely until the new school is completed,

7.12 As noted above, the Head of Streetscene and City Services (Highways) has confirmed that the principle of development is acceptable. He advises that the Transport Assessment accompanying the application confirms the proposal will have a marginal impact on the local highway network. The increase is due to an additional 10 Special Educational Needs pupils. However, the additional pupils currently travel outside of Caerleon to attend school but live in Caerleon. The provision of the 10 Special Education Needs spaces at Caerleon Lodge will reduce the level of travel into and out of Caerleon. The interim Travel Plan is also acceptable. A survey of the modal travel to school in May 2017, confirmed that pupil travel to school is 12% lower than the national average. To encourage an increase in sustainable access to the merged school the interim plan must be reviewed within four months of occupation with the full travel plan implemented as soon as practical thereafter and by the end of the first year at the latest, ready for the second intake. The plan will need to be monitored annually for a further 4 years. This will need to be the subject of a suitable condition.

7.13 The proposals include sufficient parking provision and improved drop off/pick up areas and it is not considered that it would result in an adverse impact to highway safety or residential amenity. To the contrary, it is considered that the proposals would result in betterment in highway safety terms and to the amenity of local residents as the new drop off/pick up areas will relieve pressure for on-street parking in the area.

7.14 The applicant has submitted a Construction Management Plan as part of the application. This includes details relating to noise and vibration reduction, dust suppression, wheel wash facilities and temporary site access. The Head of Streetscene and City Services (Streetscene) confirms the details are acceptable. However, details of contractor parking arrangements are required and it is recommended that this is secured by condition.

7.15 ***Loss of Open Space and Development of Environmental Space***

The redevelopment involves the loss of publicly accessible open space and the replacement of an equipped play area, all of which is allocated as an Environmental Space in the LDP. In accordance with PPW and Policy CE3, CF1 and CF2 of the LDP, the loss of provision for redevelopment purposes is only acceptable if there is appropriate replacement in the immediate locality or it can be demonstrated that there is a surplus of provision in the locality.

7.16 An assessment of Outdoor Play Space for Newport, comparing provision against the Fields in Trust standards was undertaken as a supporting document to the Council's Outdoor Play Space Supplementary Planning Guidance. This assesses the level of provision based on the different categories of outdoor play space as defined by the Fields in Trust against the population levels confirmed in the 2011 census. These are not statutory standards as there are none applicable in Wales, however TAN16 identifies the Fields in Trust standards as helpful to local authorities.

7.17 The assessment for the Caerleon ward concludes the following level of provision:

- | | |
|--|---------------------------|
| • Formal play provision (pitches, bowling, tennis etc) | shortfall of -4.09ha |
| • Informal play provision (grassed area publicly available) | surplus of 1.36ha |
| • Equipped play provision (slides, swings etc) | shortfall of -1.70 |
| • Overall level of provision based on FIT standards | shortfall of -4.43ha |

7.18 Two categories of outdoor play space are affected by the proposals – **informal play space and equipped play space.**

7.19 The redevelopment proposes to build on the existing informal play space of 1.16ha of land and replace it with approximately 0.3ha of informal play space on the existing junior school site. Overall, this would affect the level of provision of informal play space in the Caerleon

ward. A slight surplus of this category of play space would remain. However, approximately 2ha of informal play space provision for the Caerleon ward is located in the village of Christchurch, located some distance from this part of Caerleon and in reality is of little benefit to this area.

7.20 The distribution of existing play facilities is also a factor in the acceptability of the proposal. The provision of a replacement publicly accessible amenity space in this locality as proposed is therefore supported and satisfies policy requirements in this respect.

7.11 In response to the proposals Sports Wales have stated that:

Although the application site is not a formal playing field, reference is made to the relevant planning policy in Planning Policy Wales. Paragraph 11.1.12 states that playing fields

- “should be protected from development except where*
- facilities can best be retained and enhanced through the redevelopment of a small part of the site;*
- alternative provision of equivalent community benefit is made available; or*
- there is an excess of such provision in the area”*

Similarly, Policy CF1 of the Newport Local Development Plan states that “The redevelopment for other purposes of playing fields, other land and buildings used for sport, recreation, areas of play and community uses, will only be permitted where:

- alternative provision of the same benefit is made available in the immediate locality; or*
- the land or building(s) is surplus to requirements.”*

The proposal involves a significant part of the site being developed and there is no alternative provision being made available so it is justified on the basis of an open space assessment indicating a surplus in the area. Sport Wales questions the soundness of the assessment with open space over a mile away included. In addition, the application site appears to be the only recreational space in that area of Caerleon of a meaningful size that is relatively flat and could accommodate informal games, kickabouts or perhaps some community events but apart from the relocated play area it will become restricted to school use only.

Unless further information can be provided satisfying the above planning policies, Sport Wales would like to object to the application.

7.22 As noted above, it is not disputed that the informal play space provision in the village of Christchurch is of little direct benefit to this area and the loss of the informal play space at this location is regrettable and will result in an additional shortfall of informal play provision reasonably accessible to this catchment (excluding the Christchurch space). However, as with any planning application, in reaching a decision the benefits and merits of a scheme must be carefully considered and weighted against the disadvantages. The improved educational facilities which include both the new, modern school building and teaching facilities, as well as the new mixed use games areas and sports pitches, together with the enhanced highways arrangements are considered to be of considerable benefit and as such, significant merit should be attributed to them. It should also be noted that no objections have been received from residents with regard to the loss of open space. Sports Wales question the soundness of the Council’s assessment of outdoor play space. However, this assessment was produced in support of Supplementary Planning Guidance which has undergone public consultation and has been formally adopted. It has substantial weight in decision-making in accordance with national planning policy. The Council acknowledges the remoteness of the open space at Christchurch from the application site, but for the purposes of the assessment it was considered reasonable to assess areas on a ward by ward basis.

7.23 The nearest other provision of informal open space in the vicinity is approximately 350m away, to the north east off Eastfield View. This area is approximately 1.12 hectares and is of a comparable size to the space within the application site and so residents would still be served by an area of informal space within relatively close proximity, although it is appreciated that due to the topography of the Eastfield View site and its sloping nature the types of uses would be more limited than the space off Roman Way which is relatively flat.

- 7.24 Overall, the loss of informal open space provision at the site is contrary to policies CF1 and CF2 of the LDP, on balance, it is considered that this loss is outweighed by the benefits of improved educational facilities in the area and enhanced highways arrangements.
- 7.25 These policies stem from strategic policy SP12 – Community Facilities, which encourages and supports the development of new community facilities. The policy includes reference to education facilities as well as outdoor sport and leisure provision and accords with national policy aims of providing public access to a range of facilities that maximise community development and social welfare.
- 7.26 The redevelopment of the existing dilapidated school with good quality modern infrastructure is welcomed. To minimise educational service disruption the choice to develop the new school adjacent to the existing school to enable existing pupils and staff to continue in their current classrooms until the new school is ready, is a logical arrangement. However, to satisfy policy SP12 by providing and encouraging enhanced educational facilities close to an existing educational site in a sustainable location, the provision of informal space is compromised and policies CF1 and CF2 cannot be met and the loss of open space balanced against policy support for the new school. Officers consider that, on balance, the merits of the new school development must carry significant weight and have policy support. The loss of open space is objectionable but this does not outweigh the benefits of the scheme to the community, its development and social wellbeing.

7.27 ***Ecology***

Policy CE3 permits development of Environmental Spaces where the environmental qualities of the site will be improved or complemented and that there is no adverse impact on nature conservation interests. A Preliminary Ecological Assessment and Baseline Arboricultural Report have been submitted in support of the application. The Ecology report establishes that the site contains a mixture of grassland and species poor boundary hedgerows. The semi-natural habitats do not contain any rare or protected species of flora or fauna. Bat surveys have been undertaken and have identified that there are no active roosts. As the re-development works have the potential to affect a number of features of ecological and nature conservation interests, these impacts will be mitigated through hedgerow translocation and habitat recreation works and careful timing of clearance work to avoid sensitive periods for protected species.

- 7.28 The Council's Ecology officer advises that she is satisfied with the information provided and is happy for development to proceed in accordance with recommendations made in the report which should be secured by way of conditions.

- 7.29 It is considered that subject to suitable conditions the environmental qualities of the site would be complemented and Policy CE3 is satisfied.

7.30 ***Arboriculture***

The site contains trees and hedgerow and the application is accompanied by a arboricultural report. Where possible and particularly around the perimeter of the site existing trees are to be retained and protected during the construction phase. Additional planting is also proposed and the Council's Landscape officer is satisfied with the details provided. The Council's Tree officer has confirmed that no objections are offered to the proposals subject to conditions to protect the trees at the site during the construction phase.

7.31 ***Landscaping***

The applicant has provided landscaping details as part of the application. The Council's Landscape officer has been consulted and confirms the details are accessible and no further information is required.

7.32 ***Air Quality Management***

There is an Air Quality Management Area (AQMA) within Caerleon village centre and the impact of a development upon the AQMA is a material consideration in planning applications. However, as noted above the proposals are for improved facilities rather than to accommodate a significantly greater number of pupils and whilst there would be an increase of approximately 10 Special Educational Needs pupils, these additional pupils currently travel outside of Caerleon to attend school but live within Caerleon and the provision of the 10 Special Educational Needs spaces at Caerleon Lodge will reduce the level of travel into and out of Caerleon. It is therefore not considered that the new school would result in a demonstrable worsening of air quality in the AQMA within Caerleon and the Council's Scientific Officer (Environmental Health) offers no objection to the proposals.

7.33 The applicant has submitted a Construction Management Plan as part of the application. This document includes details of measures to limit the impact of the construction phase on the AQMA such as ensuring that construction traffic avoids the AQMA. Whilst the applicant may be able to ensure that contractors use a route avoiding the AQMA, it would be out of the applicant's control to ensure that suppliers; such as building merchant's for example, avoid the AQMA as they will make their own arrangements for deliveries and will not be instructed on this by the developer. So whilst contractors may be controlled, suppliers cannot be and the benefits of such control are limited in practice. Notwithstanding this, given that the construction phase is temporary and operational phase would not result in a demonstrable worsening of air quality in the AQMA, it is considered that the proposals are acceptable in air quality terms.

7.34 ***Phasing***

It is proposed that the development will be delivered in one phase, although there will be two stages of development. The first stage would be the construction of the new school whilst the existing school remains operational. This stage of the development also involves the relocation of the existing children's play area in the north west of the site to the south west of the site. This is to ensure a continuous provision is possible to serve the local community. The second stage of development will commence once the new school is built. At this point the new school will become operational and the existing junior school building would be demolished. During this period staff parking would be temporarily relocated to the hard surfaced area within the existing infant school site so as not to impact on on-street parking. Upon completion of the demolition of the existing building the area would be restored to provide an area of public open space.

7.35 ***Drainage***

The applicant proposes for foul and surface water to discharge to the existing mains equipment. In response to this Dwr Cymru – Welsh Water advise that before they can consider a connection to the surface water sewer they would require evidence that all options of sustainable surface water drainage options need to be exhausted. The report accompanying the application provides no further justification on this matter. Therefore Dwr Cymru – Welsh Water would object to the proposed drainage scheme and they would request the applicant to submit evidence of exhaustion of all options of sustainable surface water disposal to Welsh Water which includes the demonstration as to why the ground is not suitable for onsite soakaways and why local watercourses have been discounted as an option of sustainable drainage. It is therefore considered necessary to impose a condition requiring full details of surface drainage proposals and the necessary justification to be submitted for approval prior to the commencement of development on site.

7.36 ***Other Matters***

The comments of Ponthir Community Council with regard to the inclusion of a contribution from the school budget towards existing and proposed routes in the vicinity of the school are duly noted. The comments have been forwarded to the Education department of the Council.

7.37 With regard to the comments received from a resident of Gwladys Place, this property is over 100 metres away from the application site and does not share a common boundary. The resident has been advised that the proposals do not include the existing nursery school and no further comments have been received.

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. The proposals would have an impact on public open space provision. However, it is considered that the benefits of the scheme to the community, its development and social wellbeing outweigh this impact.

9. CONCLUSION

9.1 Whilst the proposals would result in the loss of informal open space, the proposals would provide improved educational facilities and improved access arrangements whilst ensuring that an area of public play provision is retained.

9.2 It is not considered that the proposals would result in an adverse impact to neighbouring amenity.

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

10. RECOMMENDATION

GRANTED WITH CONDITIONS

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

70320-STL-PL04 Building Elevations revision D,

PL05 Roof Plan revision D,
70320-STL-PL03 Ground Floor Plan revision D,
Sketch Layout 60760/001-S (with the exception of boundary treatments),
60760 Revision D.

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 operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until the Root Protection Barrier fencing has been installed in accordance with the approved Tree Protection Plan as submitted by Mackley Davies Associates Ltd. dated 17th March 2017. No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area. All weather notices shall be erected on Heras fencing, (1 per 10 panels), stating 'CONSTRUCTION EXCLUSION ZONE NO ACCESS'. The fencing shall be retained for the full duration of the development, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To protect important landscape features within the site.

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

- (a) Supervision and monitoring of the approved Tree Protection Plan;
- (b) Supervision and monitoring of the approved tree felling and pruning works;
- (c) Supervision of the alteration or temporary removal of any Barrier Fencing;
- (d) Oversee working within any Root Protection Area;
- (e) Reporting to the Local Planning Authority;
- (f) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Council's Tree Officer.

Reason: To protect important landscape features within the site.

04 Prior to the commencement of development an Ecological Clerk of Works shall be appointed to act as a liaison officer between the developer and the Council's Ecological Officer. Full details of this person shall be submitted to the Local Planning Authority and written approval received.

Reason: In the interests of ecology.

05 Prior to commencement of works on site, details of the hedge translocation shall be submitted and agreed in writing by the Local Planning Authority. The details shall include future maintenance to ensure the longevity of the hedge. The development shall be carried out in accordance with the approved details.

Reason: In the interests of ecology.

06 Prior to commencement of works on site, full details of surface water drainage for the development shall be submitted and agreed in writing by the Local Planning Authority. The details shall include evidence that all other options have been exhausted if it is proposed to connect to surface water to the mains sewer. The development shall be carried out in accordance with the approved details.

Reason: To ensure the site is adequately drained and that the public sewerage system is not overloaded.

07 Prior to commencement of works on site, full details of contractor parking arrangements during the construction phase shall be submitted to the Local Planning Authority and written approval received. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and residential amenity.

Pre – construction conditions

08 Prior to the erection of any boundary enclosures at the site, to include any wall or fence, a section drawing identifying the intervening boundary with Flavius Close together with full details of boundary treatments for the whole of the development shall be submitted to and approved in writing by the Local Planning Authority. The boundary enclosures shall be erected in accordance with the approved details.

Reason: In the interest of visual and neighbouring amenity.

09 Prior to the installation of any play equipment in excess of 2m in height, full details shall be submitted to and approved in writing by the Local Planning Authority. The play equipment shall be installed in accordance with the approved details.

Reason: In the interest of neighbouring amenity.

Pre –occupation conditions

10 Upon completion of the demolition of the existing school building (as specified within the phasing plans provided as part of the application), parking provision to serve the new school shall be provided and demarcated in accordance with the approved details and shall be permanently retained thereafter.

Reason: To ensure the development is served by adequate parking provision in the interests of highway safety and residential amenity.

11 Prior to first occupation of the building hereby approved, bat boxes shall be installed in accordance with the approved ecology report and shall be retained in perpetuity.

Reason: In the interests of ecology.

12 Prior to the first use of the new school building hereby approved, the drop off/pick-up area shall be provided in accordance with the approved plans and shall be permanently retained thereafter.

Reason: In the interests of highway safety and residential amenity.

General conditions

13 Within four months of the first use of the development hereby approved the interim travel plan shall be reviewed, the findings submitted to the Local Planning Authority and written approval received. The review shall include details of when the full travel plan is to be implemented which shall be no later than the end of the first term year prior to the second year intake. Thereafter an annual review shall be submitted in writing to the Local Planning Authority for a period of four years and written approval received.

Reason: To encourage an increase in sustainable access to the school.

14 The development hereby approved shall be carried out in accordance with the approved Ecology Report and in particular with section 6.4 *Recommendations for Reptiles*.

Reason: In the interests of ecology.

15 No mezzanine floor shall be installed within the building hereby approved above the area identified on the approved plans as a hall, without the prior written consent from the Local Planning Authority.

Reason: In the interests of neighbouring privacy and amenity.

16 The development hereby approved shall be carried out fully in accordance with the approved landscaping details. Thereafter, the trees and shrubs shall be maintained for a minimum period of 5 years from the date of planting. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established.

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

17 The development hereby approved shall be carried out fully in accordance with the Construction Management Plan dated June 2017 and Site Access plans phase 1 and 2 and phasing plans 1, 1A, 2 and 2A.

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

18 The development hereby approved, shall be completed in accordance with the phasing plans provided as part of this application.

Reason: To ensure a satisfactory form of development in the interests of public amenity and highway safety.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP12, SP13, GP4, GP5, GP6, CE3, T1, T4, CF1 and CF2 were relevant to the determination of this application.

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

03 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.

04 The applicant is advised that planning permission would be required for the installation of floodlights at the site.

APPLICATION DETAILS

No: 17/0605 Ward: **CAERLEON**

Type: Full (Major)

Expiry Date: 14-SEP-2017

Applicant: **MORGAN SINDALL NEWPORT CITY COUNCIL, CIVIC CENTRE, NEWPORT, NP20 4UR**

Site: **Caerleon Lodge Hill Primary School, Lodge Hill, Caerleon, Newport, NP18 3BY**

Proposal: **DEMOLITION OF EXISTING JUNIOR SCHOOL AND ERECTION OF NEW PRIMARY SCHOOL, TO INCLUDE PUBLIC PLAY EQUIPMENT AND PUBLIC OPEN SPACE, CREATION OF PARKING AREA AND SPORTS FACILITIES AND DROP OFF/COLLECTION BAY AND ASSOCIATED INFRASTRUCTURE**

1. LATE REPRESENTATIONS

1.1 Late representations have been received from Councillor Hughes as follows:

- I fully support this application for the provision of a new school which will provide an excellent, modern environment for our children to learn in. The retention of the toddler and junior play areas as well as sports facilities is also welcome.
- I have requested that an additional crossing be provided on Lodge Road at the junction with Lodge Hill, to enable a 'safe route to school' for pupils walking to school from Home Farm Estate, Lodge Road and the centre of Caerleon. This will also encourage walking to school.
- Monitoring of traffic and parking will be required to ensure pedestrian safety and the avoidance of inconvenience for residents.
- Need to control works vehicles to avoid journeys through the town, particularly areas of high air pollution, wheel wash conditions, noise, disturbance and reasonable hours of work.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

- 2.1 With regard to the monitoring of traffic and parking during the construction phase, as noted in paragraph 7.14 of the officer report, the applicant has submitted a Construction Management Plan as part of the application, which includes measures to reduce impact to neighbouring residents. However, further details of contractor parking arrangements can be secured by condition as recommended. It is inevitable that neighbours will experience a degree of disruption during the construction phase, given their proximity to the site and the scale and nature of the development. However, this can be controlled and the disruption kept to a minimum by way of appropriate planning conditions.
- 2.2 In terms of the operation phase, it is considered that the proposals include sufficient parking provision and improved drop off/pick up areas and the proposals would result in betterment in highway safety terms and to the amenity of local residents as the new drop off/pick up areas will relieve pressure for on-street parking in the area.
- 2.3 Comments relating to the avoidance of the Air Quality Management Area are duly noted. As stated in paragraph 7.33 of the officer report, the Construction Management Plan submitted with the application includes details of measures to limit the impact of the construction phase on the AQMA such as ensuring that construction traffic avoids the AQMA. The applicant's aim to avoid the AQMA as much as possible is duly supported. However, realistically the applicant will not be able to ensure that all deliveries to the site avoid the AQMA as some aspects will be out of the applicant's control, such as the route taken by suppliers. A planning condition requiring all deliveries to avoid the AQMA would be unreasonable and would not meet the statutory tests for conditions. Importantly, as a Council department the Education Service are aware of our air quality constraints and have included measures to limit impact in the Construction Management Plan that forms part of

this application. Over and above this, controls cannot be exercised by way of planning condition.

- 2.4 The Head of Law and Regulation (Environmental Health) has powers to take action where there is a statutory nuisance as a result of noise which could arise due to construction activities. The LPA will not seek to duplicate these controls.

3. OFFICER RECOMMENDATION

- 3.1 It is recommended that the application is granted subject to conditions as set out in the officer report.

APPLICATION DETAILS

No: 17/0657 **Ward:** STOW HILL

Type: FULL

Expiry Date: 06-SEP-2017

Applicant: P YOUNG, CARDIFF UNIVERSITY

Site: INFORMATION STATION STATION BUILDINGS, QUEENSWAY, NEWPORT, NP20 4AX

Proposal: CHANGE OF USE OF 3NO. FLOORS ONLY FROM B1 (OFFICES) TO MIXED USE B1 (OFFICES) AND D1 (EDUCATION)

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks planning permission for the change of use of the upper three floors (i.e. second, third and fourth floors) of the Information Station, Queensway, Newport. The proposed use would involve a mixed use of B1 (offices) and D1 (education), allowing for Cardiff University to occupy those floors as a 'software academy', with associated office space. The software academy is currently based at 11 Devon Place, but this proposed move will allow for its expansion.
- 1.2 The application is brought before Planning Committee as the Council has an interest in the building.

2. RELEVANT SITE HISTORY

10/1266 CHANGE OF USE OF GROUND FLOOR FROM RAILWAY STATION BOOKING HALL TO CUSTOMER SERVICE CENTRE INCLUDING EXTERNAL ALTERATIONS TO ELEVATIONS TO INCLUDE RENEWED WINDOWS AND DOOR OPENINGS AND NEW HVAC PLANT EQUIPMENT AND SCREENING TO BE INSTALLED ON THE ROOF Granted with Conditions

3. POLICY CONTEXT

- 3.1 Policy SP1 Sustainability favours proposals which make a positive contribution to sustainable development.
- Policy SP17 Employment Land allocates 172 hectares of employment land for the plan period.
- Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
- Policy GP4 General Development Principles – Highways and Accessibility states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.
- Policy 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 EM3 Alternative Uses of Employment Land protects existing employment sites against development unless it can be demonstrated that the site has been marketed unsuccessfully for 12 months; there remains a sufficient range and choice of employment land to meet LDP requirements and local demand; there is no adverse impact on existing or allocated employment sites; and the proposal has no adverse impact on amenity or the environment.

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

4. CONSULTATIONS

4.1 NETWORK RAIL: No response.

4.2 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: No response.

5. INTERNAL COUNCIL ADVICE

5.1 PLANNING POLICY MANAGER: Concludes that the proposed scheme is supported provided that it satisfies any highway concerns.

5.2 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): The site is located within Zone 1 and is therefore in close proximity to a number of public transport links, facilities and services. I would therefore offer no objection to the application subject to a condition requiring a travel plan in order to encourage more sustainable travel options.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties that share a common boundary with the application site were consulted (2No properties) and a site notice displayed. No representations were received.

7. ASSESSMENT

7.1 The building is currently used by various Council departments across all 5 floors, with the ground floor acting as the 'face-to-face' drop-in centre. The majority of the departments based in the Information Station are being relocated elsewhere (Civic Centre, Library), but the ground floor customer service drop-in centre will remain, along with Council office space on the first floor to ensure continued service provision at the Information Station, alongside the use of the upper three floors (2nd, 3rd and 4th) as a B1/D1 Software Academy.

7.2 The National Software Academy is a partnership between Cardiff University, Welsh Government and industry leaders, arising from the findings of the Newport Development Task Force. It aims to address the shortfall of qualified, industry ready software engineers, by producing sought after graduates with industrial experience. This is being achieved by combining teaching and training in a bespoke commercial / IT environment, developed in partnership with industry and local businesses.

7.3 No external alterations are proposed as part of this application. The building will undergo internal works to convert the current open plan offices to provide; 2No teaching rooms and a breakout area on the second floor; 1No teaching room, 2No large meeting rooms and a breakout/informal meeting zone on the third floor; and shared office space, 3No small meeting rooms, 1No large meeting room, general space, breakout space and a reception on the fourth floor.

7.4 Policies GP2, T4 and EM3 are the primary policies relevant to the determination of this application. Policy EM3 in particular relates to the 'alternative use of employment land', and states that;

"DEVELOPMENT PROPOSALS PROMOTING ALTERNATIVE USES ON EXISTING EMPLOYMENT SITES WILL BE RESISTED UNLESS:

- i) THE SITE HAS BEEN MARKETED UNSUCCESSFULLY FOR EMPLOYMENT PURPOSES FOR A MINIMUM OF 12 MONTHS;*
- ii) THERE REMAINS A SUFFICIENT RANGE AND CHOICE OF EMPLOYMENT LAND AND PREMISES TO MEET LDP REQUIREMENTS AND LOCAL DEMAND;*
- iii) THE DEVELOPMENT HAS NO ADVERSE IMPACT ON EXISTING OR ALLOCATED EMPLOYMENT SITES;*
- iv) THE DEVELOPMENT HAS NO ADVERSE IMPACT ON AMENITY OR THE ENVIRONMENT".*

7.5 In relation to criterion i), the proposed use would comprise a mixed use of employment and education, which accords with the aims of the policy. The number of full time employees working at the software academy will increase from 11 to 18 as a result of the move. In relation to criterion ii), the LDP has allocated 172ha of employment land across the plan

period. 4.46ha of EM1 employment land allocations has been developed and 2.5ha currently has full planning permission. Therefore over 165ha of EM1 employment land is still available for development. As such, it is considered that there remains a sufficient range and choice of employment land to meet the LDP requirements and local demand. In relation to criteria iii), the use, whilst mixed, would include B1 offices, and would help create employment, and so it is not considered that the proposal would have an adverse impact on existing or allocated employment sites. In relation to criteria iv), being located within the city centre amongst various other commercial uses, and given the nature of the proposed B1/D1 mixed use, it is not considered that it would have an adverse impact on amenity or the environment.

7.6 The Information Station is located within the City Centre, in close proximity to the train station, other forms of public transport and cycle routes. It is considered to be in a highly sustainable location; as a result, it does not require the provision of on-site parking, as confirmed by the Council's Highways Officer. The scheme therefore accords with policy T4 of the LDP and the Council's Parking Standards (August 2015). However, given the number of staff/students that will use the building and the lack of limited on-site parking facilities, the Council's Highways Officer has requested that a travel plan be conditioned so that the users of the building are encouraged to utilise sustainable forms of transport. This can be required by condition.

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 LDP, it is concluded that the proposed development would be acceptable with regards to amenity, impact on employment land and highways, subject to a travel plan being submitted. It is therefore recommended that planning permission is granted subject to conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents; Site Location Plan and Indicative Floor Plans dated April 2017.

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 –occupation conditions

02 Prior to first beneficial occupation of the property for the use hereby approved, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall be implemented as approved thereafter.

Reason: To promote sustainable forms of transport.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP17, GP2, GP4, CE6, EM3 and T4 were relevant to the determination of this application.

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

APPLICATION DETAILS

No: 17/0657 **Ward:** STOW HILL

Type: Full

Expiry Date: 06-SEP-2017

Applicant: P YOUNG, CARDIFF UNIVERSITY

Site: INFORMATION STATION STATION BUILDINGS, QUEENSWAY, NEWPORT,
NP20 4AX

Proposal: CHANGE OF USE OF 3NO. FLOORS ONLY FROM B1 (OFFICES) TO MIXED
USE B1 (OFFICES) AND D1 (EDUCATION)

1. LATE REPRESENTATIONS

1.1 NETWORK RAIL: Whilst there is no objection in principle to this proposal, I give comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land. If any external works are required to be carried out, then Network Rail's Asset Protection Engineers (Wales) will need to be consulted.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

2.1 The applicant will be made aware of Network Rail's comments, but as no external works are proposed as part of this application, it is not considered that these comments affect the initial officer recommendation.

3. OFFICER RECOMMENDATION

3.1 Officers recommendation remains to grant planning permission subject to conditions.

APPLICATION DETAILS

No: 17/0662 **Ward:** *PILLGWENLLY*

Type: FULL

Expiry Date: 07-SEP-2017

Applicant: *P HICKS, INSTAVOLT LIMITED*

Site: *BANNATYNE'S HEALTH CLUB, ENTERPRISE WAY, NEWPORT, NP20 2AQ*

Proposal: *INSTALLATION OF 2NO. ELECTRIC VEHICLE CHARGING STATIONS AND ASSOCIATED EQUIPMENT*

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks permission for the installation of 2no. electric vehicle charging stations and associated equipment at the Bannatyne's Health Club on Enterprise Way in the Pillgwenlly ward.
- 1.2 The application is being reported to Planning Committee as it relates to Council owned land.

2. RELEVANT SITE HISTORY

- 2.1 None.

3. POLICY CONTEXT

3.1 *Newport Local Development Plan 2011-2026*

- 3.1.1 General Development Principles – GP2 General Amenity
The amenity enjoyed by people in their local environment should not be significantly harmed as a result on development.
- 3.1.2 General Development Principles – GP6 Quality of Design
High quality design should be sought in all forms of development.

4. CONSULTATIONS

- 4.1 PILLGWENLLY COMMUNITY FIRST: No representations received.

5. INTERNAL COUNCIL ADVICE

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

6. REPRESENTATIONS

- 6.1 NEIGHBOURS:
All properties with a common boundary with the application site were consulted (two addresses). No representations were received.

7. ASSESSMENT

- 7.1 This application seeks permission for the installation of 2no. electric vehicle charging stations and associated equipment. The development would be located to the north of the building entrance with charging units sited on an existing paved area. Each unit would measure 2.2 metres in height, 0.72 metres in width and 0.41 metres in depth. They would each be located in an area of 1.5 metres by 1.3 metres, with bollards approximately 0.7 metres in height.
- 7.2 An associated feeder unit would be located to the rear of the charging stations. It would measure 2.2 metres in height, 1.3 metres in width and 0.6 metres in depth and be coloured green.

7.3 The charging units would be located within the confines of the health club premise which is located within an industrial and commercial area. In light of the character of the location and the scale and design of the proposed equipment, it is not considered that the scheme would result in a detrimental impact on the character or appearance of the street scene and surrounding area. Furthermore, it is not considered the proposals would result in a detrimental impact on the amenity of surrounding occupiers.

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 development would not result in an unacceptable impact of the amenity of surrounding occupiers or the character or appearance of the street scene and is therefore acceptable.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Site Layout 10002-0019_01-PL, Chargepoint Express 250 (With Bollards) 10002-0019_04 and MCL CR1187 10002-0019_05.

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

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