

Agenda

Pwyllgor Cynllunio

Dyddiad: Dydd Mercher, 6 Tachwedd 2019

Amser: 10.00 am

Lleoliad: Siambr y Cyngor, Canolfan Ddinesig

At: Cynghorwyr: J Richards (Cadeirydd), J Guy (Dirprwy Gadeirydd), M Al-Nuaimi, G Berry, J Clarke, V Dudley, D Fouweather, J Jordan, C Townsend, R White and M Linton

Eitem

Wardiau Dan Sylw

1. Ymddiheuriadau dros Absenoldeb
2. Datganiadau o ddiddordeb
3. Cofnodion y Cyfarfod Diwethaf (*Tudalennau 3 - 6*)
4. Rheoli Datblygu Amserlen Ceisiadau Cynllunio (*Tudalennau 7 - 84*)
5. Appeal Decisions (*Tudalennau 85 - 90*)

Mae'r dudalen hon yn wag yn

Minutes



Planning Committee

Date: 2 October 2019

Time: 10.00 am

Present: Councillors J Richards (Chair), M Al-Nuaimi, J Clarke, J Jordan, C Townsend and R White

In Attendance: Tracey Brooks (Development and Regeneration Manager), Sian Davies (Assistant Solicitor), Geraint Roberts (Principal Planning Officer), Grant Hawkins (Senior Planning Officer), Joanne Gossage (Green Services Manager), Alun Lowe (Planning Contributions Manager), Neil Barnett (Governance Officer) and Lisa Davies (Governance Officer)

Apologies: Councillors J Guy, V Dudley, D Fouweather and M Linton

1. **Declarations of Interest**

None

2. **Minutes of the meeting held on**

The minutes of the meeting held on 04 September 2019 were submitted.

Resolved

That the minutes of the meeting held on 04 September 2019 be taken as read and confirmed, subject to the above

3. **Development Management: Planning Application Schedule**

Resolved

(1) That decisions be recorded as shown on the Planning Applications Schedule attached as an Appendix A

(2) That the Development Services Manager be authorised to draft any amendments to/additional conditions or reasons for refusal in respect of the Planning Applications Schedule, attached

4. **Appeal Decisions**

The meeting terminated at Time Not Specified

Mae'r dudalen hon yn wag yn

Appendix A
 PLANNING COMMITTEE – 02 10 2019
 DECISION SCHEDULE

No	Site/Proposal	Ward	Additional Comments	Decision
19/0640	<p>Lliswerry Recreational Ground</p> <p>Proposal: Siting of single storey prefabricated units on a constructed slab for use as sports changing facilities</p> <p>Recommendation: Granted with conditions. Presented to Committee as Council land</p>	LLISWERRY		Granted with conditions
19/0650 Tudalen 5	<p>Site: Glan Llyn Development Site, Queensway, Llanwern, Newport</p> <p>Proposal: Partial discharge of condition 04 (eastern sub area masterplan) of planning permission 06/0471 for Glan Llyn development site</p> <p>Recommendation: Approved subject to a deed of variation to the existing s106 agreement to clarify the content and delivery of the sports club & the bowls club with delegated authority to refuse the application if the deed is not agreed within 3 months of any decision to approve this application in principle</p>	LLANWERN	Public Speaker Ian Yallop spoke on behalf of the applicant (Saint Modwens) in support of the application.	Granted with conditions subject to a deed of variation to the existing s106 agreement to clarify the content and delivery of the sports club & the bowls club with delegated authority to refuse the application if the deed is not agreed within 3 months of any decision to approve this application in principle.

Mae'r dudalen hon yn wag yn

Report

Planning Committee

Part 1

Date: 6th November 2019

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, well-being of future generations, equalities impact and crime prevention impact of each proposed development are addressed in the relevant report in the attached schedule.

Financial Summary

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

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

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

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

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

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

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

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

The Council's Corporate Plan 2017-2022 identifies four themes, including the aim to be a Thriving City. In order to achieve this, the Council is committed to improving:

- jobs and the economy
- education and skills
- fairness and equality
- community safety and cohesion
- the environment, transport, culture and social well-being

Through development management decisions, good quality development is encouraged and the wrong development in the wrong places is resisted. Planning decisions can therefore contribute directly and indirectly to these priority outcomes by helping to deliver sustainable communities and affordable housing; allowing adaptations to allow people to remain in their homes; improving energy efficiency standards; securing appropriate Planning Contributions to offset the demands of new development to enable the expansion and improvement of our schools and leisure facilities; enabling

economic recovery, tourism and job creation; tackling dangerous structures and unsightly land and buildings; bringing empty properties back into use; and ensuring high quality 'place-making'.

The Corporate Plan contains the Council's Well-being Statement and well-being objectives, which contribute to the achievement of the national well-being goals. The Corporate Plan also links to other strategies and plans, the main ones being:

- Improvement Plan 2016-2018;
- Local Development Plan 2011-2026 (Adopted January 2015);

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

Options Available and considered

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

Preferred Option and Why

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

Comments of Chief Financial Officer

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

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

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

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

Comments of Monitoring Officer

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

Comments of Head of People and Business Change

Within each report the sustainable development principle (long term, prevention, integration collaboration and involvement) of the Well-being of Future Generations (Wales) Act has been fully considered.

From an HR perspective there are no staffing issues to consider.

Comments of Cabinet Member

The Cabinet Member for Regeneration and Housing has been made aware of the report.

Local issues

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

Scrutiny Committees

None

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

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

Wellbeing of Future Generations (Wales) Act 2015

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

- Long term: Decisions made by the Planning Committee balances the need to improve the appearance of areas as well as meeting the needs of residents in order to make places safe to live in and encourage investment and employment opportunities. Planning decisions aim to build sustainable and cohesive communities.
- Prevention: Sound planning decisions remove the opportunity for anti-social behaviour and encourages a greater sense of pride in the local area, thereby giving the City potential to grow and become more sustainable.
- Integration: Through consultation with residents and statutory consultees, there is an opportunity to contribute views and opinions on how communities grow and develop, thereby promoting greater community involvement and integration. Planning decisions aim to build integrated and cohesive communities.
- Collaboration: Consultation with statutory consultees encourages decisions to be made which align with other relevant well-being objectives.

Involvement: Planning applications are subject to consultation and is regulated by legislation. Consultation is targeted at residents and businesses directly affected by a development, ward members and technical consultees. Engagement with the planning process is encouraged in order to ensure that the views of key stakeholders are taken into consideration.

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

Crime and Disorder Act 1998

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

Consultation

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

Background Papers

NATIONAL POLICY

Planning Policy Wales (PPW) Edition 10 (December 2018)
Development Management Manual 2016

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 (2017)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)
- TAN 24: The Historic Environment (2017)

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

Welsh Government Circular 016/2014 on planning conditions

LOCAL POLICY

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

Supplementary Planning Guidance (SPG):

Affordable Housing (adopted August 2015)

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)
Air Quality (adopted February 2018)

OTHER

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

The Economic 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: 19/0124 **Ward:** ALLT-YR-YN

Type: OUTLINE

Expiry Date: 27-FEB-2020

Applicant: NEIL WOODING

Site: 94 AND 96, ALLT-YR-YN AVENUE, NEWPORT, NP20 5DE

Proposal: SUBDIVISION OF CURTILAGE AND ERECTION OF 2NO. DWELLINGS (OUTLINE)

Recommendation: GRANTED WITH CONDITIONS SUBJECT TO A SECTION 106 LEGAL AGREEMENT WITH DELEGATED POWERS TO REFUSE PERMISSION SHOULD THE AGREEMENT NOT BE SIGNED WITHIN 4 MONTHS OF A RESOLUTION TO GRANT PERMISSION.

1. INTRODUCTION

- 1.1 This application seeks outline planning permission for the sub division of the rear gardens of 94 and 96 Allt Yr Yn Avenue and the construction of one detached dwelling in each garden. All matters are reserved except access, which are proposed off Allt Yr Yn View.
- 1.2 This development was originally submitted under two separate applications (references 19/0124 and 19/0123). In order to secure visibility splays it was considered appropriate that the development for two dwellings was assessed under this current application. All consultees and neighbours were re-consulted. Where neighbours raised comments in relation to the previous proposal and application reference 19/0123, they are reported under paragraph 6.1.

2. RELEVANT SITE HISTORY

17/1008	SUBDIVISION OF CURTILAGE TO ALLOW FOR THE ERECTION OF FOUR BEDROOM DETACHED DWELLING (OUTLINE) ACCESSED FROM ALLT-YR-YN AVENUE AND CREATION OF FRONT PARKING AREA FOR EXISTING DWELLING	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 **SP13 Planning Obligations** enables contributions to be sought from developers that will help deliver infrastructure which is necessary to support development.

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

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

Policy **GP6 General Development Principles – Quality of Design** states that good quality design will be sought in all forms of development. In considering proposals, a number of

factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

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: No response.

4.2 NEWPORT ACCESS GROUP: No response.

4.3 DWR CYMRU – WELSH WATER: No objection subject to a condition preventing surface water drainage and/or land drainage from connecting with the public sewerage system.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF CITY SERVICES (DRAINAGE): No response.

5.2 HEAD OF CITY SERVICES (HIGHWAYS): No objection.

5.3 PLANNING CONTRIBUTIONS MANAGER: Sets out the contributions required in accordance with policies SP13 and H4; and the Affordable Housing and Planning Obligations SPG's.

5.4 HEAD OF LAW AND REGULATION (ENV. HEALTH):): No objection subject to a condition restricting the hours of construction.

5.5 HEAD OF CITY SERVICES (WASTE AND RECYCLING): No issues with waste and recycling for the activity of division of curtilage. Waste and recycling service requirements for the new dwelling will need to be reviewed separately.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties sharing a common boundary with the application site and neighbours who made representations in relation to application 17/1008 were consulted (7 properties). Neighbours were also reconsulted following an amendment to the application. 6 representations were received, raising the following concerns:

- Allt Yr Yn View already has far too much traffic and does not have the capacity for further vehicles;
- A property of this size would result in more than 3 vehicles;
- There is no provision for visitor parking;
- Vehicles will not be able to enter and exit safely from the site;
- There is no sewerage or gas supply in the lane;
- The 43 metre vision splay indicated on the plan crosses the neighbours property (no. 98) at a point where there is a steep bank covered with trees and shrubs;
- The proposal includes removal of a 3.1 metre retaining wall at 96 which will leave the bank at 98 no longer supported. The actual vision up the road would therefore be a few metres not the 43 metres indicated;
- There is no space in the land for construction vehicles and materials, including the excavation of large quantities of earth;
- The plan suggests a proposed height of a property up to 7.50 metres. This would be overbearing at such an elevated location near other properties. A single storey building would be far more appropriate.
- The house would impact on the enjoyment of neighbouring gardens;
- Construction works would cause disturbance to neighbours;

- It would set a precedent for similar development along Allt Yr Yn View, with further disruption and danger to pedestrians.

6.2 COUNCILLOR FERRIS: I would like the application to be heard by the full planning committee as the road condition that the drive on the proposed development accesses is dangerous, not least due to the sheer drop on the far side of this single track lane. Also the objections of neighbouring residents should be heard.

7. ASSESSMENT

7.1 94 and 96 Allt-Yr-Yn Avenue are large detached two storey dwellings. The properties from 106 Allt Yr Yn Avenue to no. 94 are arranged in a linear manner with large rear gardens which extend to Allt Yr Yn View at the rear. To the east of the application site the rear gardens of properties which front Allt Yr Yn Avenue are shorter and do not extend as far as Allt Yr Yn View. Instead there is a row of properties which front Allt Yr Yn View. It is this arrangement which the proposal seeks to mirror.

7.2 The proposals

7.2.1 The proposed dwellings would be sited within the rear gardens of 94 and 96 Allt Yr Yn Avenue. As the application is for outline permission the precise details regarding the appearance, layout, scale and landscaping are not being considered. However, the applicant is required to provide an indicative layout and scale parameters, which include an indication of the upper and lower limits for height, width and length of the building.

7.2.2 The application includes an indicative layout plan which shows the proposed dwellings in a similar position to the property at no. 57 Allt Yr Yn View. They would be set back from Allt Yr Yn View, with a triple garage provided to the front of the property. There is a change in levels from Allt Yr Yn View, with the gardens at a much higher level than the road. The development would therefore involve some excavation in order to construct the garages at road level and to provide sufficient space to allow vehicular pull-ins from the road. It would also involve the removal of a 3.1m height retaining wall to the rear of no. 96. The submitted plans indicate that the change in levels would be in the order of 3m from Allt Yr Yn View to the ground level of the proposed dwelling.

7.2.3 It is proposed to lower the ground level of the dwellings and the land immediately surrounding them so they would be at the same level as no.57 Allt Yr Yn View. The levels of the remaining part of the rear gardens would remain as existing and would step up 0.75m from the ground level of the dwelling.

7.2.4 The submitted plan indicates that the proposed dwelling to the rear of no. 96 would be up to 12m in width, up to 8.7 in depth and up to 7.5m in height. The proposed dwelling to the rear of no. 94 would be 13 to 13.5m in width, 9 to 9.5m in depth and up to 7.5m in height. It is also proposed to separate the rear gardens from the host dwellings with a timber fence.

7.3 Planning history

7.3.1 Planning permission was refused in February 2018 for a dwelling in the rear garden of no. 94 Allt Yr Yn Avenue. The position and scale parameters of the dwelling were the same as currently proposed however, it was proposed to utilise the existing access of no. 94 in order to access the dwelling, i.e. from Allt Yr Yn Avenue. It was proposed to utilise an existing double tandem garage to the side of the host dwelling to serve the proposed dwelling.

7.3.2 The previous application was refused due to the unacceptable visual impact of providing additional parking to serve no. 94, which involved significant excavation of the attractive front garden. It was also considered that the proposed parking arrangement was too close to the host dwelling, resulting in unacceptable noise and disturbance to the occupiers of the host dwelling.

7.3.3 This application does not propose any access from Allt Yr Yn Avenue and instead access is proposed from Allt Yr Yn View.

7.4 Residential amenity

7.4.1 The aims of policies GP2, H6 and the New Dwellings SPG are to:

- Ensure that occupiers of new dwellings have reasonable living conditions;

- Ensure that new dwellings do not deprive persons in existing dwellings of reasonable living conditions; and
- Protect the character and appearance of the natural and built environment.

7.4.2 New dwellings should provide adequate private outdoor amenity space for future occupiers. The majority of this space should be located to the rear of the dwelling. The SPG states that detached dwelling of 2 beds or more should provide 1 square metre for every square metre of the unit's footprint. Whilst the scale parameters of the proposed dwellings are indicative only the submitted layout plan demonstrates that this standard could be achieved. It is also considered that the host dwellings would be left with sufficient private amenity space following the subdivision of the curtilages.

7.4.3 To ensure all residents have sufficient privacy in their homes, suitable separation distances must exist between protected windows in existing and the proposed dwellings. Protected windows which face each other should be at least 21m apart. The indicative layout indicates that this standard could be achieved, with 21m between the proposed dwelling in the rear garden of no. 96 and the host dwelling; and up to 24m between the proposed dwelling in the rear garden of no. 94 and the host dwelling. There would be around 26m between the proposed dwelling in the garden of no. 96 and 22-23m between the proposed dwelling in the garden of no. 94 and the neighbouring properties. In both cases, angles towards neighbouring properties would be more oblique. The plans indicate that 1.8m high timber fences would be constructed along the shared boundaries with the host dwellings which is considered to provide adequate screening to all properties at ground floor level.

7.4.4 The eastern side elevations of the dwelling within the garden of no. 96 would be orientated towards the rear garden no's 94 and 98. Whilst this application includes a dwelling within the no. 94 it cannot be assumed that the development would be implemented in full. The same scenario is also applicable to the dwelling within the garden on no. 94. Any impacts on the neighbouring gardens therefore needs to be considered. The submitted plan indicates that there would be no first floor habitable room windows in the side elevations facing towards the neighbouring gardens. It is also considered that the proposed dwellings could be designed so that no first floor habitable room windows would have direct views over the neighbouring gardens from the rear elevation. The precise design and position of windows would be considered further with any future reserved matter submission.

7.4.5 Concern is raised by a neighbour that the height of the proposed dwellings would be overbearing on other properties. It is considered that the proposed dwellings would be a sufficient distance away from neighbouring properties to prevent any overbearing impact upon them. In terms of the impact on neighbouring gardens, the dwellings would be set down lower (750mm) than the current garden levels and set off the boundaries of the neighbouring properties. This is considered to prevent significant overshadowing or an overbearing impact on the gardens.

7.4.6 Overall it is considered that the application has demonstrated that dwellings in these indicative positions, with these indicative scale parameters would not result in a harmful impact on neighbouring amenity; and it would provide adequate amenity to future occupiers. The precise scale and appearance of the dwellings would be assessed further at reserved matters stage.

7.5 Highway safety

7.5.1 No 94 and 96 both have gardens which extend as far as Allt Yr Yn View. The road is narrow at this point and is only wide enough for one vehicle however; it is a one way road, travelling in a west to east direction. It is proposed to excavate a portion of the grass bank (and retaining wall, in the case of no. 96) to create hardstanding areas (finished with paviors). The hardstandings would extend 5.5m from the edge of the road to triple garages which would also be constructed at road level. This arrangement is not dissimilar to the neighbouring property (no.57), although the hardstandings and garages would extend further back from the road.

7.5.2 As Allt Yr Yn View is a one-way road in a west to east direction adequate visibility in a westerly direction is required. The applicant has demonstrated that adequate visibility of 2.4 x 43m can be achieved for both dwellings. In the case of no. 96 the visibility splay would be set out

over the application site and the highway verge. In the case of no. 94 the visibility splays would be set out over no.96 and the highway verge. It is proposed to reduce any structures or vegetation to a height not exceeding 0.6m within the highway verge. A separate highways agreement would also be required for the works within the highway. The Head of City Services (Highways) has no objection to the proposal.

7.5.3 The Highways Officer previously required a pedestrian visibility splay of 2 x 2m in easterly direction for the dwelling within the garden of no. 96. The applicant has provided this. Again, this splay must be kept free of obstruction exceeding a height of 0.6m above the ground level; and this can be secured through a condition. The Highways Officer also previously required details of the tie-in of the permeable paving with the highway and this can also be secured through a condition.

7.5.4 In terms of the dwelling within the garden of no. 94 the Highways Officer previously required the 1.2m high boundary fence on the eastern side of the site to not extend any further forward than the front boundary of the neighbouring property in order to provide adequate pedestrian visibility. This can be secured by condition.

7.5.5 The application indicates that the maximum of three parking spaces could be provided on site within the triple garages. It is considered that the application has demonstrated that adequate parking could be provided in accordance with the Parking Standards SPG. The precise design and layout of this parking would be considered further at reserved matters stage.

7.6 **Design**

7.6.1 Whilst design/appearance is a matter reserved for future consideration, the principle of dwellings in this location and their general impact on the street scene is a consideration. The proposed dwellings would be sited directly behind no. 94 and 96 Allt Yr Yn Avenue and would be scarcely visible from Allt Yr Yn Avenue. To the rear of the site the proposed dwellings would follow the pattern of dwellings which front on to Allt Yr Yn View. It is therefore, considered that the proposed dwellings would not be out of character with the pattern of development in the surrounding area.

7.7 **Other matters**

7.7.1 Several objections have been received from neighbouring residents as noted in paragraph 6.1. Concerns regarding highway safety and neighbouring amenity have been addressed in the preceding paragraphs.

7.7.2 Other concerns relate to the ownership of the land to the rear of 98 Allt Yr Yn Avenue. The occupier of this property states that the rearmost part of the garden is within their ownership however, records indicate that this is adopted highway and as such setting out a visibility splay over this land is considered to be acceptable.

7.7.3 There is also concern that the demolition of the rear retaining wall to no. 96 Allt Yr Yn Avenue would leave the neighbouring land unsupported. This is a matter which would be dealt with under the Party Wall Act and as such is a civil matter; and not a material planning consideration.

7.7.4 Other concerns relate to the impact of construction activity and the impact on residential amenity and highway safety. There are concerns that there would be no space for construction vehicles during excavation works. It is noted that neither the Highways Officer or Environmental Health Officer has requested that a Construction Environmental Management Plan is secured by condition. However, given the proximity to neighbouring properties and the narrowness of Allt Yr Yn View such a condition would be necessary to agree suitable construction and excavation practices. It should also be noted that any vehicles which cause obstruction to the public highway could be subject to police enforcement. It is noted that the Environmental Health Officer has requested that the hours of construction should be controlled by a condition however, the Control of Pollution Act 1974 has more responsive powers to control any nuisance caused by construction activities. An informative is added to alert the applicant to recommended working hours.

7.7.5 Concerns are raised that there is no foul drainage or gas supply at the site. However, no objections have been raised by Dwr Cymru – Welsh Water in respect of drainage. Whilst Wales and West Utilities have not responded to their consultation they only normally advise of apparatus in the area and it is up to the applicant to contact the utility companies to secure appropriate utility connections.

7.8 Section 106 Planning Obligation matters

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

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
Regeneration , Investment and Housing	To provide a commuted sum towards affordable housing	Depending on the number of bedrooms agreed at reserved matters stage a commuted sum is sought in accordance with formulae in adopted SPG.	Agreed as per the Heads of Terms	No

7.8.1 The applicant has agreed to the Heads of Terms.

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

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

9. **CONCLUSION**

9.1 The proposed development is considered to be acceptable and in accordance with policies SP1, SP13, GP2, GP4, GP6, H4, H6, T4 and W3 of the Newport Local Development Plan 2011-2026. It is considered that the proposed development would not result in a harmful impact on residential amenity nor the character of the surrounding area. It is also considered that the proposed development would not result in a harmful impact on highway safety and it would deliver sustainable development through financial contributions towards affordable housing. Planning permission is granted subject to conditions and the signing of a legal agreement.

10. **RECOMMENDATION**

GRANTED WITH CONDITIONS SUBJECT TO A SECTION 106 LEGAL AGREEMENT WITH DELEGATED POWERS TO REFUSE PERMISSION SHOULD THE AGREEMENT NOT BE SIGNED WITHIN 3 MONTHS OF A RESOLUTION TO GRANT PERMISSION.

01 The development shall be implemented in accordance with the following plans and documents: P592a_L_001 rev A, P592a_L_002 rev A and P592a_L_003 rev 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 Prior to the commencement of development, to include demolition/excavation, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan (CEMP) shall identify the steps and procedures that will be implemented during development resulting from the site preparation, groundwork and construction phases of the development regarding:

- noise mitigation measures - to minimise the creation and impact of noise;
- dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition, February 2003;
- waste disposal;
- details of enclosure of working areas;
- details of contractor parking areas and construction site accesses and;
- wheel wash facility;

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

Reason: To protect the amenities of nearby residents and in the interests of highway safety, in accordance with policies GP2, GP4 and GP7.

03 No development, other than demolition, shall commence until a full structural check which includes load cases with worst cases for overturning/sliding and for ground bearing pressure have been submitted to and approved in writing by the Local Planning Authority. These checks should include details of any 'actual' applied loads from adjacent structures which interact with the wall and all required imposed loads. Full detail drawings should include the full specification of the walls, dimensions and indicate spans of any suspended floors considered in the design. The full structural calculations should also include for

any actual loads which will be present during the time of their use. The works shall be implemented in accordance with the approved method statement.

Reason: In the interest of public safety. In accordance with policy GP6.

04 No development, including demolition, shall commence until details and plans showing the finished slab level of the building(s) hereby approved, together with cross sections through the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the area.

05 Prior to the commencement of development, a landscaping and tree planting scheme indicating the number, species, heights on planting and positions of all trees and shrubs scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

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

Pre-construction conditions

06 Prior to the construction of the hardstandings adjacent to Allt Yr Yn View details of the tie-in with the road shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with policy GP4.

Pre-occupation conditions

07 No development shall commence on either dwelling until the associated visibility splays have been provided in accordance with the proposed site plan P592a_L_003 rev D. Upon occupation, these visibility splays shall be maintained at all times thereafter with no structures, planting or vegetation permitted above a height of 600mm above carriageway level within those visibility splays.

Reason: In the interests of highway and pedestrian safety, in accordance with policy GP4.

General conditions

08 No boundary treatments along the eastern boundary of the site shall extend any further forward than the front boundary of the neighbouring property (no. 57 Allt Yr Yn View).

Reason: In the interest of pedestrian safety, in accordance with policy GP4.

09 The dwellings shall be constructed in accordance with details of materials which shall have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with Policy GP2.

10 The boundary treatment shall be erected in accordance with details which shall have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity, in accordance with Policy GP2.

11 Provision shall be made within the site for garaging/parking facilities for each unit 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 unit and shall be retained for such use at all times thereafter.

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

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

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

03 The applicant will be required to enter an agreement under Section 111 or 278 of the Highways Act, 1980 to facilitate the off-site highway works.

04 The development may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. The applicant is advised to engage with the Authority's City Services (Drainage) department as the determining SuDS Approval Body (SAB).

APPLICATION DETAILS

No: 19/0768 **Ward:** LLISWERRY

Type: FULL (MAJOR)

Expiry Date: 12-NOV-2019

Applicant: NEWPORT CITY HOMES

Site: LAND ENCOMPASSING LONG MEADOW COURT, NEWPORT SOUTH WALES

Proposal: DEMOLITION OF EXISTING VACANT PROPERTIES, PROPOSED RESIDENTIAL DEVELOPMENT OF 35 UNITS AND ASSOCIATED WORKS

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

1. INTRODUCTION

1.1 This application seeks planning permission for a residential development including the demolition of 5no. buildings comprising 30no. residential units and construction of 35no. affordable housing units with associated works. The residential units are of the following housing mix;

- 4no. apartment buildings each containing 6no. one bedroom flats;
- 9no. two bedroom houses;
- 2no. four bedroom houses.

1.2 The site is broadly triangular in shape, measuring 0.55ha and is sited between Broadmead Park to the south and Lliswerry Pill Reen to the north. The site is bound to the south and east by existing residential dwellings. The site is under the ownership of Newport City Homes and currently consists of bedsit accommodation of an a-symmetrical roof design. However, there are no longer any occupants, with the last resident understood to have vacated the site over a year ago. The buildings are now boarded and contribute little to the wider area. In terms of the wider context of the site, the A48 (Southern Distributor Road) is located over 300 metres and this is accessed by vehicles via Lliswerry and Nash Road. The nearest defined District Centre is Newport Retail Park, which is some 550m walking distance from the site via the footbridge over the A48. There are also a small number of shops on Greenmeadow Road, approximately 300m walking distance away, and Pontfaen Road/ Fallowfield Drive some 450m from the site.

1.3 The local vernacular within the immediate surrounding area comprises a mix of 1960s/70s semi-detached and terraced two-storey housing, much of which is built in a Radburn style layout, comprising car parking and back gardens to the rear of the units and front entrances and communal footways to the fronts. As per many Radburn style layouts, the rears of the properties face onto main roads, with the fronts addressing pedestrian routes and/or communal spaces.

2. RELEVANT SITE HISTORY

09/0956	ERECTION OF FRONT BOUNDARY WALL AND RAILINGS	GRANTED
10/0109	CHANGE OF USE FROM PUBLIC FOOTPATH AND GRASS VERGE TO COMMUNAL GARDEN AREA FOR	GRANTED

3. POLICY CONTEXT

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

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

Policy **SP2 Health** promotes development, which has a positive contribution to health and well-being by being in a sustainable location, close to walking/cycling routes and green infrastructure.

Policy **SP3 Flood Risk** development will only be permitted in flood risk areas in accordance with national guidance.

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** proposals will be favoured where they assist the regeneration of the urban area, particularly the provision of housing in the urban area and the re-use 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 **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 **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 **H9 Housing Estate Regeneration** favours the regeneration or improvement of housing areas.

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.

3.2 **Supplementary Planning Guidance Documents**

- New Dwellings SPG (Adopted August 2015)
- Parking Standards SPG (Adopted August 2015)
- Planning Obligations SPG (Adopted August 2015)
- Flat Conversions SPG (Adopted August 2015)

4. **CONSULTATIONS**

4.1 **NATURAL RESOURCES WALES:** We have no objection to the application as submitted but have the following comments on Flood Risk Management and European Protected Species.

As you are aware we received a statutory pre-application consultation notice for this proposal under Article 2D of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2012. We provided a substantive response to that consultation on 4 June 2019, reference CAS-86458-P4Z9. (A copy is attached for your information).

We have reviewed the Pre-Application Consultation Report, dated July 2019, by LRM Planning Ltd submitted in support of the application. We note the comments

The planning application proposes highly vulnerable development (35 residential units). The application site lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, a designated main river, and within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the Liswerry Pill Reen.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate, through the submission of an FCA, that the potential consequences of flooding can be managed to an acceptable level.

We have reviewed the amended Flood Consequences Assessment (FCA) prepared by QuadConsult, dated January 2019, reference 17037, Rev1, submitted in support of the application. The FCA includes fluvial flood data for the Liswerry Pill. However, it does not include the original assessment of tidal flood risk, which we saw with the statutory pre-application consultation. We would advise your Authority obtain a copy of the initial FCA for completeness.

Notwithstanding the above, we have considered the tidal flood risk based on our assessment of the original FCA together with the fluvial risk (for Liswerry Pill) in appendix 7 of the FCA, which show:

- The site level topography is between 9.3m AOD and 9.8m AOD.
- The predicted tidal flood level during the 0.5% plus climate change allowance (CCA) is 7.1m AOD.
- During the 0.1% event plus CCA the predicted levels are 7.47m AOD.
- The predicted fluvial flood level for the 1% plus CCA is 6.57m AOD.
- The predicted fluvial flood level for the 0.1% event is 6.6m AOD.

Therefore, based on the site levels and the predicted flood depths stated above, the site is predicted to remain flood free during the 0.5% plus CCA tidal event and 1% plus CCA

fluvial event and is therefore compliant with A1.14 of TAN 15. In addition, during the 0.1% plus CCA tidal event, and the 0.1% fluvial event, the development site is predicted to remain flood free and therefore meets the requirements of A1.15 of TAN 15.

In summary, the FCAs show that the development site is unlikely to be affected by flooding up to and including the 0.1% flood event and therefore, we have no objection, to the application as submitted.

Section 6.5 of the FCA states that “the site is not considered to flood and therefore the access/egress route from the site entrance are also considered to be functional under all conditions.” We do not comment on whether safe access and egress can be achieved to and from a site as this is a matter for emergency services to determine.

The FCA states that to further protect against flood risk, the occupants will sign up to NRW early flood warning system and will formulate a flood plan for the development site.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or grant the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Additional advice for the attention of the applicant

Any development within 8 metres of the Liswerry Pill Reen (a designated main river) may require a Flood Risk Activity Permit from NRW prior to works being undertaken. Please see our website for further details: <https://naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en>

European Protected Species (Bats)

We note that the bat report submitted in support of the above application Bat Survey by Ecological Services Ltd, dated 16 July 2019 has identified no evidence that bats were using the application site. We therefore have no comments to make on this aspect.

4.2 WELSH WATER DWR CYMRU:

Sewerage

We can confirm capacity exists within the public sewerage network in order to receive the foul only flows from the proposed development site. As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, and is strongly recommended that the developer engage in pre-application consultation with the Local Authority, as the relevant SuDS Approval Body (SAB). Accordingly, if you are minded to grant Planning Consent for the above development, we would request that the following **Condition and Advisory Notes** are included within the consent to ensure no detriment to existing residents or the environment and to DCWW's assets:

Condition

No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development.

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

Advisory Notes

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

4.3 WELSH GOVERNMENT (ROADS): I refer to your consultation of 05/08/2019 regarding the above planning application and advise that the Welsh Government as highway authority for the M4 does not issue a direction in respect of this application.

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

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

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

4.5 NEWPORT ACCESS GROUP: No response.

4.6 ARCHITECTURAL LIASON OFFICER GWENT POLICE: No response.

4.7 WALES AND WEST UTILITIES: No response.

5. INTERNAL COUNCIL ADVICE

5.1 THE HEAD OF CITY SERVICES (HIGHWAYS):

Parking

The application seeks to reduce the parking quantum by reference to sustainability and in particular the proximity of Newport Retail Park. However, the route requires crossing the A48 via a ramped footbridge, which detracts from ease of access. Consideration will be given to a slight reduction in parking standards, say providing the 4 bedroom units with 2 rather than 3 spaces, but otherwise the Newport City Council Parking Standards must be met. The tandem parking spaces adjacent to plots 31 and 34 must be allocated to each serve a single plot else they will be unworkable. There are 5No. parking spaces at the southern end of the site which are remote from plots and are therefore likely to be underused. All parking spaces accessed via a vehicular footway crossing must be provided with 2 x 2 metre pedestrian visibility splays measured back from the rear of the footway.

Access, estate road and footways

The site access entry radii should be 6.0 metres and must be dimensioned on the site plan. There are no vehicular visibility splays shown at the private drives on the west side of the access road. Visibility splays commensurate with vehicle design speeds must be shown. The extent of the footway adjacent to plots 7 to 12 must be shown. There is no footway fronting plots 19 to 24 and beyond which will result in pedestrians wishing to access plots 13 to 28 either having to walk in the live carriageway or cross the road twice. The footpath fronting plots 29 and 30 is only 1.2 metres wide and should be 2.0 metres. There must be a continuous footway across the north side of the area of highway proposed to be stopped up at the southern end of the site. The 2No. parking spaces on this area should be accessed via a vehicular footway crossing. The refuse vehicle tracking shows use of a private drive for turning and the views of the road must be sought on this point.

Materials

Permeable block paving is not acceptable for adoptable estate roads due to its onerous maintenance requirements.

Stopping up

The existing road link at the southern end of the site is proposed to be stopped up and replaced with a footway link. The latter should be a footway / cycleway link to include appropriate measures to calm cycle speeds prior to entering Broadmead Park. I have received no indication of the method proposed to achieve this stopping up. I recommend the applicant secure a copy of the highway records for the whole site area to determine whether the proposals require other areas to be stopped up.

5.2 THE HEAD OF CITY SERVICES (ECOLOGY):

Original Comments

No objection to ecological information submitted. In line with LDP policy GP5 all developments should seek to encourage biodiversity by the provision of new ecological features. Please can you request that the applicant consider what features would be feasible to be included as part of the scheme. At this location, I recommend that features are located adjacent to the reën, which provides habitat and links to the wider environment. Bat boxes, or even a bat loft, could be placed on the gables facing the reën or due to the height of the buildings swift boxes could be considered.

Final Comments

I am satisfied that if the proposed rain gardens and wildflower areas are delivered as shown on the drawings titled "Planting plan" and "General Arrangement Plan" the proposals will result in biodiversity net gain. If you are minded to grant this permission, I recommend that a management plan is conditioned to ensure these areas establish and are correctly managed in the long-term. Suggested text is provided below;

GI Management Plan

"A Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the Management Plan shall include the following;

- a) *Description and evaluation of Green Infrastructure assets to be managed.*
- b) *Trends and constraints on site that might influence management.*
- c) *Aims and objectives of management.*
- d) *Appropriate management options for achieving aims and objectives.*
- e) *Prescriptions for management actions.*
- f) *Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).*
- g) *Details of the body or organization responsible for implementation of the plan.*
- h) *Ongoing monitoring and remedial measures.*

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

Reason: To safeguard all Green Infrastructure Assets at the site"

- 5.3 THE HEAD OF CITY SERVICES (WASTE): We note the provision of bin stores for the flats, but dimensions of the stores are not displayed on the plans.

Each property would be allocated a 120 litre bin for general waste and should have access to recycling bins / boxes. Please amend in accordance with attached guidance. Each block of flats has 5 apartments, but there are only 3 bin stores on the plans, is this correct?

In the event that the service roads within the development site are not adopted by Newport City Council, the applicant/developer (as landowner with responsibility for the maintenance and upkeep of the common areas of the development) may need to agree to indemnify Newport City Council to enable a Waste/Recycling collection service to be carried out by the Council within any part of the development site.

- 5.4 THE HEAD OF CITY SERVICES (TREES): There are objections to this application. The Root Protection Areas (RPAs) of T1 and T2 (Italian alders) should be extended on the tree protection plan.

This is because there will not be any roots under the car parking bays or highway as the make up of these areas does not allow for root growth .

Therefore, the roots will be in grass area adjacent to the trees and the amended RPA should reflect this.

In addition, it is not acceptable for the proposed access way to bisect the RPAs of T1 and T2 as currently shown on the layout plan. I.e. the trees require a substantial rooting area or their long term health and viability will be compromised. A revised layout plan should demonstrate that the alder trees have enough room to grow and not compromise the trees through a reduced rooting area.

- 5.5 THE HEAD OF CITY SERVICES (LANDSCAPE):

Original Comments

Bin storage is shown opening onto the public path along the reën (plots 13-18). The storage frontage will present a blank elevation (steel louvre doors, colour tbc). Doors opening outwards could be a hazard to cyclists and pedestrians. Their location should be reviewed.

There are extensive areas of proposed planting but no grass within the semi-public/public areas. This will require good planting design, good soil preparation and drainage, and good maintenance over a number of years to ensure successful establishment.

Note that planting is shown under the canopies of the trees to be retained and may not be successful given the likely dry shade conditions.

The ability to successfully retain trees T1 and T2 is not backed up with a Tree Protection Plan or Arboricultural Method Statement. New hard surfacing and extensive planting is proposed within the root protection area and no levels are shown

A Tree Protection Plan and possible Arboricultural Method Statement is required, to include an assessment of any underground service routes, walling, hard surfaces, and level changes within the root protection area for T1 and T2. This should not be conditioned as this may affect the layout.

The Planting Plan is insufficiently detailed for public realm areas. Plant species, size and density is required. A detailed planting plan could be conditioned.

A 5 year maintenance/management plan is required to ensure the planting successfully establishes. This could also be conditioned.

Final Comments

Revisions to the layout have resolved previous issues raised regarding bin storage opening onto the public path along the reën (plots 13-18).

A Tree Protection Plan has now been submitted to show how trees T1 and T2 can be retained. The layout remains unchanged and two areas are marked for 'no dig construction'. No levels are submitted for either the trees or the proposals so it is unclear whether this is a realistic solution particularly as one area is a communal road, the other area is communal parking. Levels confirmation that a no dig solution can be achieved is required.

The following comments remain from August 2019;

There are extensive areas of proposed planting but no grass within the semi-public/public areas. This will require good planting design, good soil preparation and drainage, and good maintenance over a number of years to ensure successful establishment.

Note that extensive planting is proposed within the root protection areas. Planting under the canopies of the trees to be retained may not be successful given the likely dry shade conditions.

The Planting Plan is insufficiently detailed for public realm areas. Plant species, size and density is required along with tree pit details. A detailed planting plan could be conditioned.

A 5 year maintenance/management plan is required to ensure the planting successfully establishes. This could also be conditioned.

A drainage outlet is shown from the raised planters. Confirmation of where this drains to is required.

- 5.6 THE HEAD OF CITY SERVICES (LEISURE): No response.
- 5.7 THE HEAD OF CITY SERVICES (DRAINAGE): No response.
- 5.8 THE HEAD OF CITY SERVICES (HIGHWAYS ACTIVE TRAVEL): No response.
- 5.9 THE HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH): Please be advised that we have no objections to the proposed development having considered the applicant's design and access statement and other supportive information however; considering the nature of the development and its location, the following conditions should be attached to any permission granted.

Road Traffic Noise - Internal

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

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

Road Traffic Noise - External

No development, other than demolition, shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the maximum day time noise level in outdoor living areas exposed to external road traffic 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.

Construction Environmental Management Plan

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.

Advisory - Construction Operating Hours

To protect the amenity of existing residents, the following recommendation with regards to construction times should be attached to any permission granted;

(i) Construction Hours - Non-Piling

No development, (including land raising and demolition if required) shall be carried out other than between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays.

(ii) Prior Approval - Out of Hours

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

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

5.10 THE HEAD OF REGENERATION AND REGULATORY SERVICES (HOUSING): No response.

5.11 THE HEAD OF REGENERATION AND REGULATORY SERVICES (PLANNING CONTRIBUTIONS):

The development proposes that all dwellings are affordable. Council policy stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations.

NB: Notwithstanding the above, prior to commencement of the development, the Owner and/or Developer will notify the Council in writing if any of dwellings are to be 'open market'

Affordable Housing

Should the developer decide to sell or rent the properties on the open market there would be a requirement for 20% affordable housing provision on-site (mix and type to be agreed with the Council). Alternatively, in exceptional circumstances, an off-site commuted sum could be agreed (in accord with the formula in the Affordable Housing SPG) for the provision of affordable housing for the City of Newport.

Education

The development falls within the catchment area of Lliswerry High School and Lliswerry 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 Lliswerry 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 Lliswerry 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 Lliswerry Primary School x £16,115 = Primary Education Sum.

All Education Sums will be index linked to the BCIS and paid prior to occupation of 50% of the development

Leisure

There is a deficit of equipped and informal play provision within the Lliswerry 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' houses (prior to commencement of development) x £1,916;
- Number of four bed 'open market' houses (prior to commencement of development) x £3,833

All Leisure Sums will be index linked to the RPI and paid prior to occupation of 50% of the development.

- 5.12 THE HEAD OF REGENERATION AND REGULATORY SERVICES (POLICY): We have no concerns with this application. It is noted that it is within a C1 flood risk area, however the site is brownfield and an FCA has been provided which appears to conclude that development is acceptable. NRW should be consulted and they will be able to offer further comment on the FCA.

The proposal is within the urban boundary and would satisfy Policy SP18 Urban Regeneration. In addition, Policy H9 (Housing Estate Regeneration) notes that proposals for the regeneration or improvement of housing areas will be favourably considered where they:

- Are undertaken in a comprehensive manner;
- Protect and enhance open space and the setting of the estate;
- Widen tenure options where these are limited;
- Encourage the development of community uses where appropriate.

It is considered that this proposal will make a positive contribution to the local area. It does not appear any open space will be affected. Additional affordable housing will be provided compared to what is currently there, plus also a variety of types. Therefore it is considered that policy H9 will be satisfied.

Overall, there are no planning policy objections to this proposal.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (75 properties), a site notice displayed and a press notice published in South Wales Argus. No objections have been received.
- 6.2 COUNCILLORS CRITCHLEY/MORRIS/JEAVONS/RICHARDS: No response.
- 6.3 NEWPORT CIVIC SOCIETY: No response.

7. ASSESSMENT

- 7.1 It is proposed to demolish a residential complex that provides 28no. bedsits and 2no. flats across 5no. blocks. The site is accessed by vehicular highway from the north east corner off Broadmead Park. The site formerly provided a vehicular access at the southern boundary with Moorland Avenue, however an informal road block is in situ which is understood to have been put in place to prevent antisocial vehicular use of this route. The existing blocks are located either side of the highway with an area of parking located to the south east of the site. The site is well linked with the surrounding area from a pedestrian aspect, with existing linkages to the pathway at the Lliswerry Pill Reen to the north and residential area to the east, south and west.

The Proposal

- 7.2 Following the demolition it is proposed to construct 4no. three-storey apartment buildings containing 6no. one bedroom flats each, 9no. two storey two bedroom houses and 2no. two storey four bedroom houses. These will provide a greater range of affordable accommodation on site and 5no. additional units compared to existing. It is proposed to utilise the existing vehicular access to the north east of the site off Broadmead Park and to formally stop up the existing vehicular access to the south of the site and retain this for pedestrian access only. The internal access road will broadly retain the existing street geometry with widened road widths of 5.5 metres bound by 2.0 metre pavement on at least one side. A shared surface drive will connect the proposed 4no. apartment blocks, 3no. two bedroom houses and 1no. four bedroom house to the north of the internal road through the site and parking provision will be provided via bays. 3no. two bedroom houses are proposed to front onto the internal access road to the east and these will be provided with a mix of tandem and standard bays and 1no. four bedroom house is proposed along the south eastern boundary of the site and would be served by tandem parking.
- 7.3 The houses and apartments are proposed to be of a brick work finish throughout, with a darker brick at lower level and a lighter brick at higher level. The roofs are proposed to be of a concrete tile and the fenestration is to be double glazed, although materials are yet to be confirmed. Each house proposed is to be provided with private outdoor amenity space to the rear that are to be enclosed by a mix of 1.8m close board fencing and brick wall, depending on their location and are allocated 2no. parking spaces. The ground floor apartments will look onto landscaped areas and the first and second floor apartments will have their own private balcony area which are recessed into the façade of each block. There are 11no. parking spaces proposed that would immediately serve the proposed apartment buildings, with a remaining 6no. spaces available for visitors across the rest of the site. Landscaping is proposed throughout the site with a mix of planting specification and trees proposed. It is proposed to retain 2no. mature trees labelled as T1 and T2 to the south of the site, which are Alnus Cordata trees.

Principle of Development

- 7.4 The site is previously developed land within the defined settlement boundary and is currently in residential use. The redevelopment of the currently vacant units is considered as an urban

regeneration proposal and would widen the tenure options available given the proposed mix. It is therefore considered to be acceptable in principle and would be consistent with policy SP18 and H9 of the NLDP 2011-2026 (adopted January 2015) and its general brownfield strategy. The site is located within Flood Zone C1 as per the Development Advice Maps (DAM) in Technical Advice Note (TAN15), however this will be covered later within the assessment in order to assure that the proposal complies with national policy and Policy SP3 of the NLDP 2011-2026 (adopted January 2015).

- 7.5 The proposed demolition of the existing 30no. residential units and replacement with 35no. residential units would mean that housing density would be increased across the site. The proposal would therefore achieve in the region of 60 dwellings per hectare which is in accordance with Policy H3 of the NLDP 2011-2026 (adopted January 2015), which seeks to achieve a minimum of 30 dwellings per hectare.

Existing and Future Residential Amenity

- 7.6 The two 2 bed house types and two 4 bed house types have an internal floor area of 83 sqm and 117-119 sqm respectively. The "New Dwellings" SPG (adopted August 2015) does not specify desired gross internal floor area for dwellings, however it is noted that new 2 bed flats and 4 bed flats require a gross internal floor area of 65sqm and 100sqm respectively and this is considered to be a benchmark. The SPG also states that there should be 1sqm of outdoor amenity space per 1sqm of the units footprint and all rear gardens of the properties proposed are considered to meet this, with the exception of Plot 35, which is approximately 4sqm short. However, the rear garden of Plot 35 is south facing so is considered to benefit from sun throughout large portions of the day, is served by 2no. parking spaces and is within a close walk to the reën which provides pedestrian links to the wider area. It is therefore considered that despite the shortfall, a satisfactory level of amenity has been achieved. On balance it is considered that the proposed houses offer a sufficient level of amenity based on their size and the outdoor amenity area provided. In terms of the proposed 1no. bedroom apartments, the ground floor flats would have a gross internal area of 48sqm, first floor 45sqm and second floor 51sqm. As such, it is acknowledged that the ground floor and first floor apartments are marginally short of the desired standards of 50sqm, with the second floor in excess. The first and second floor apartments have their own private balcony area measuring 5.5sqm. The SPG states that new 1no. bedroom apartments should have a 1.5m x 1.5m balcony area (2.25sqm) and as such 16 out of 24 apartments would benefit from private balcony space that is in excess of the required standard. The remaining 8no. apartments all at ground floor would not benefit from outdoor private amenity area, however the blocks are located to the north of the site and there are a number of landscaped areas and trees proposed that are considered to add to the overall pleasant environment and visual amenity. The apartment blocks of units 01-06 and 07-12 would be served by a landscaped communal area of approximately 168sqm and 13-18 and 19-24 would share a communal landscaped area of approximately 171sqm. Whilst these communal areas fall slightly short of the desired space as per the SPG they are considered to provide a sufficient level of amenity, something that is not always associated with flatted development in a built up residential area. As well as these communal areas a number of apartments also look directly onto the Lliswerry Pill Reën as well as benefitting from good pedestrian links through the site to the wider area. Directly to the north east of the reën approximately 50-100m from the site via public footpath is Moorland Park, which is allocated as approximately 0.4ha of Environmental Space. It is also worth noting that none of the existing residential units on the site benefitted from private amenity space by way of balcony areas or private outdoor space, so despite it being acknowledged that this scheme may have some shortcomings, there is clearly an overall betterment in this provision as a result of the proposed scheme. In terms of the relationships between the apartment blocks there are windows that have a separation distance of less than 21 metres, which is the standard separation between facing habitable windows, however the scheme has been designed so that any openings facing are not serving habitable windows and as such this relationship is considered to be acceptable. The relationships between the proposed apartment blocks and the houses are generally considered to be laid out in a satisfactory format and on balance, it is considered that the proposed scheme offers an acceptable overall level of residential amenity for future occupiers.

- 7.7 To the southern and eastern boundaries the site adjoins residential properties at Broadmead Park and it is generally accepted throughout the scheme that the proposal, whilst increasing the proximity of residential units to some of these properties, would not result in any demonstrable adverse impact on their residential amenity over and above the existing situation. When considering the proposed layout plan and focussing on some of the existing properties that would share a closer relationship with the proposed units, 14 Broadmead Park is considered to be directly in line with the side elevation of Plot 29 and has a protected window 12 metres from this side elevation. The SPG states that the required distance between protected windows and blank elevations is 14.0 metres, however the separation distance of 12 metres does allow the 25 degree light test taken from this opening to avoid intersecting the proposed dwelling. Furthermore, the proposed property is located to the north of this property and as such due to the path of the sun there would be no harmful impact on direct sunlight received. It is therefore considered that the residential amenity of this property is not demonstrably harmed by reason of overshadowing or overbearing effect. Plot 31 would also share a close relationship to 27 Broadmead Park and the principal elevations of these properties that contain protected windows would directly face each other at a distance of 10.0 metres, which does not comply with the SPG. This would not normally be an acceptable relationship, however when taking into account the existing layout of the site there is a semi-detached residential unit on the same footprint as Plot 31 which contains windows serving bedrooms and lounges that are also habitable rooms. As such, the existing relationship between 27 Broadmead Park and the existing residential property on site is considered to be directly comparable to the relationship proposed and there is no worsening or demonstrable adverse effect over and above the existing situation.
- 7.8 The site is located just over 300 metres from the A48 Southern Distributor Noise and as such this is considered to be a sufficient distance from the site to not result in a detrimental impact on residential amenity by way of noise, however having consulted with the Head of Law and Regulation (Environmental Health) it is considered necessary to attach conditions to any planning permission to ensure a scheme of noise mitigation to internal and external areas is approved and that the internal habitable rooms can be ventilated appropriately without relying on opening windows. The Head of Law and Regulation (Environmental Health) has offered no objection on this basis.
- 7.9 Overall, whilst it is acknowledged that there are some small shortfalls to the scheme when assessing it against the desired standards, when taking into account the overall regeneration benefits the scheme offers, on balance it is considered that the proposed scheme offers a satisfactory level of residential amenity for both future occupiers of the site and neighbouring properties in accordance with the aims of Policy GP2 of the NLDP 2011-2026 (adopted January 2015).

Design and Layout

- 7.10 It is not considered that the existing buildings at Longmeadow Court have any significant design merit and in visual terms they do not have sufficient quality to warrant their retention. In fact the buildings are currently vacant and appear to be subject to some anti-social issues as they have been boarded up for sometime.
- 7.11 The orientation of the site has been carefully considered to ensure surveillance within the site onto the internal through route and external public spaces and to create an active frontage onto the pedestrian walkway at the Lliwerry Pill Reen. The existing site layout is considered to have poor surveillance internally and externally so the improvement is seen as a merit of the scheme and will further encourage use of sustainable transport modes. Pedestrian routes have been proposed through the site onto the waterside walkway which encourages pedestrian accessibility to the wider area and this would need to be controlled to ensure that these access points are provided and retained to ensure the permeability through the site is maintained.
- 7.12 The proposed apartment blocks along the waterside to the northern boundary of the site are of a two and a half storey and three storey design, with the three storey units being located in the north east and the scale decreasing westwards along this boundary. At the centre of the site the apartment block proposed is of a two and a half storey scale with the units transitioning to two storey houses lining the western and southern boundaries in order to integrate the scheme with the scale and character of the existing houses adjoining the site.

The proposed units materials are consistent across the site and generally considered to integrate the scheme with the typical materials palette of the surrounding residential area, albeit whilst creating a distinct character to the site. The apartment buildings and houses include detailing such as covered porch canopies, recessed balconies and roof detailing that contribute to a more distinguished appearance and less 'standard' in their design.

7.13 There would be a variety of boundary treatments ranging between brick walls and close board fencing within the proposed development. It is recognised that good boundary treatments are a significant factor in creating a sense of place and an environment, which improves visual and residential amenity. Areas that are visually prominent are proposed to be brick walls as opposed to fencing and this is considered to provide a higher quality finish in these areas that have more prominent public views. In order to ensure satisfactory treatments, a condition can be attached to any consent requesting full details of these boundary treatments. There are no boundary treatments proposed forward of any principal elevations and as such this is considered to contribute to a more open and spacious feel to the site, which is a positive from a visual amenity and design point of view.

7.14 In terms of Planning Policy Wales Edition 10 (PPW10) the submission is considered to constitute good placemaking and by modern standards the private amenity space for most properties and public realm offers an opportunity to create a better environment for residents than the existing layout. The key elements are;

- Scope for pedestrian movement through the site with good links onto the Lliswerry Pill Reen and the wider area;
- Landscaped areas and tree planting that offers a pleasant visual amenity;
- Good transport links i.e. bus stops in close proximity to the site;
- Natural surveillance across the site and onto adjacent walkway area.

7.15 Overall it is considered that adequate placemaking is achieved.

Highways/Parking

7.16 The proposed layout provides 39no. parking spaces. The existing site houses 29no. one bedroom units/bedsits and 1no. two bedroom units, which are under the control of Newport City Homes as elderly persons accommodation. The Parking Standards SPG (Adopted August 2015) requires 1no. parking space per 2-4 elderly person units, with 1no. visitor space per 4 units.

Residential Unit Type	No. Units	Parking Demand
Self Contained Dwelling for Elderly Person	30	15 spaces
Visitor Spaces	1 space per 4 units	8 spaces
Total	30	23 spaces

7.17 The existing site layout offers 14no. parking spaces and as such there is considered to be an existing shortfall of 9no. parking spaces as part of the existing layout on site.

7.18 The proposed scheme includes 35 residential units resulting in the parking demand as broken down in the table below;

Residential Unit Type	No. Units	Parking Demand
One Bedroom Apartment	24	24 spaces
Two Bedroom House	9	18 spaces
Four Bedroom House	2	6 spaces
Visitor Spaces	1 space per 5 units	7 spaces
Total	35	55 spaces

7.19 The scheme is proposing to provide 39no. parking spaces and subsequently there is an overall shortfall for the proposed scheme of 16no. parking spaces when including the 7no. visitor spaces required.

- 7.20 The applicant has submitted a parking sustainability test using the criteria set out in the Parking Standards SPG and has calculated that the development qualifies for 10 points which would result in a two space per dwelling reduction. This could not be applied to the proposed 1no. bedroom apartments but 1no. space could be deducted from the 9no. two bedroom houses and 2no. spaces off each of the 2no. four bedroom houses. If accepted then this would result in an overall reduction of 13no. spaces resulting in the overall parking provision for the site only 3no. spaces short (this still includes the full provision of the visitor spaces required) with a sustainable demand of 42 spaces compared to the 39 spaces being proposed. Highways have responded to the submitted sustainability report stating that residents would have to cross a ramped footbridge over the A48 to access Newport Retail Park and this would detract from the ease of access and only a slight reduction could be applied. Highways have confirmed that they would accept a reduction of 2no. spaces altogether. Having taken these comments into account it would be considered unreasonable to dismiss the sustainability points on this basis and only apply a reduction of 2no. spaces. The site is within the 800 metre limit of the Newport Retail Park as set out in the sustainability assessment criteria and the nature of the ramped access would allow access for all users along a safe and convenient crossing point. As such, it is unclear why less weight should be accredited to the sustainability assessment provided, which is in accordance with the SPG. The sustainability assessment should also be applied to the existing situation, however given the existing use as accommodation for elderly persons the SPG is unclear how the reduction would be applied. As the parking demand for each bedsit is currently less than 1no. space per unit then the normal residential parking reduction could not be applied. The parking reduction for 'all other development' scoring 10 points would result in a 30% reduction and if this were to be applied to the existing use this would result in a reduction of 7no. spaces to 16 parking spaces. This would still result in a parking deficit of 2no. spaces which is comparable with the proposed deficit of 3no. spaces for the new scheme.
- 7.21 The SPG also states that where clear evidence has been supplied that car ownership levels will be lower than normal, a more flexible approach to numbers of parking spaces may be taken. The Transport Statement provides local census data from 2011 showing that 61% of social rented housing in Newport have no car, 33% have one car and 6% have two or more vehicles per household. It is acknowledged that this census data was collected 8 years ago, but it does give an indication as to the ownership situation within this tenure of housing. The proposed parking level represents a ratio of approximately 1.11 per unit, which is considered to be an appropriate balance between providing sufficient parking spaces for the site, without encouraging excessive private car ownership and use. Planning Policy Wales 10 also states that "*parking standards should be applied flexibly and allow for the provision of lower levels of parking and creation of high quality development*". In order to provide further parking in this instance would mean the loss of affordable housing units to accommodate the spaces or the loss of garden/amenity space and given the form and constraints of the site would likely result in more of a 'car park' to the southern section of the site, which would be to the detriment of visual amenity.
- 7.22 It is generally considered that the site layout encourages pedestrian movement, permeability and accessibility and shares links to the east, south and north/northwest. These links in turn provide access to the local community centres and Moorland Park, the bus stop to the south on Broadmead Park and alongside the Lliswerry Pill Reen that provides the shortest route to the local amenities at Pontfaen Road. As previously mentioned the site is within a walking distance of approximately 500 metres to the Newport Retail Park which provides a number of leisure and retail facilities for residents that can be accessed via foot. The bus stops on Broadmead Park are served by the 42 and 43 buses which link the area to the city centre and train station directly. It is generally considered that this connectivity in the immediate and wider area would reduce the reliance on private motor vehicles as per the aims of PPW10 and the sustainable transport hierarchy.
- 7.23 Overall, it is considered that the site is located within a sustainable area and has incorporated sustainable principles within the design. It is considered that in terms parking provision the situation would not be materially different to that of the existing situation whilst providing a significant regeneration benefit to the area and for the provision of a mix of affordable housing tenure.

- 7.24 Some minor alterations to the design of the site have been incorporated as a result of the Highways comments, however a plan has not been received annotating visibility splays or the entrance radii as requested. In terms of the pedestrian visibility splays within the site, all of the proposed spaces are considered to have good visibility and due to the nature of the site layout vehicle speeds would be low and it is not expected that there would be any highway safety issues. A condition can be provided that prevents any boundary treatments forward of any principal elevations of properties, preventing impact on visibility. No plan has been submitted showing the entrance radii or visibility splays for the site entrance, however the entrance into the site is as existing and the tightest radii into the site is greater than 6.0 metres, which is the requested dimension. Vehicle speeds are generally considered to be low within this built up residential area and the geometry of the site frontage indicates that traffic will be reduced to a lower speed. There is good visibility as you leave the site and despite this not being shown on plan it is generally considered to be acceptable, despite the anticipated increase in road users that the scheme would generate. The preliminary access analysis submitted has shown that there is also no evident accident records.
- 7.25 The proposed access road through the site is shown as being paved however Highways have confirmed that this would not be adoptable. A condition can be applied in relation to road surface materials. It is also proposed to formally stop up the existing access to the south of the site and retain a pedestrian/cycle access. Highways have advised the applicant secures a copy of the highway records for the whole site to determine whether the proposal requires any other areas to be stopped up. It is considered necessary to condition a detailed scheme of how the proposed pedestrian access will have measures to slow cyclists and also to prevent motorised vehicles accessing the route.
- 7.26 On balance, it is proposed that the scheme has sufficiently addressed the aims of Policy GP4 of the NLDP 2011-2026 (adopted January 2015) and is satisfactory in terms of highway safety.

Landscaping and Trees

- 7.27 The Head of City Services (Landscaping) has raised some concerns in relation to the proposed planting of the public areas and general lack of grassed areas. It is stated that this will require good planting design, good soil preparation and drainage, and good maintenance over a number of years to ensure successful establishment. It is also stated that the proposed planting plan is insufficiently detailed for public realm areas and that plant species, size and density are required. A detailed planting plan can be requested via condition.
- 7.28 The Head of City Services (Trees) and (Landscaping) have both shared concerns in relation to the impact that the development would have on tree T1 and T2 towards the southern boundary of the site. It has been requested that the root protection area of these trees is extended on the tree protection plan because there will not be any roots under the car parking area or highway as the make up of these areas does not allow for root growth. Therefore the roots will be in the grass area adjacent and the root protection area should reflect this. The agent has acknowledged the comments received and has stated that due to the extensive design process to reach this stage and consideration of all constraints and opportunities, it is not possible to adjust the site layout to avoid the entirety of the root protection areas. The agent has stated that the alternative would be to remove the tree, however considers that its retention is preferable. The agent states that there is an existing building in close proximity to the trees in question. An Arboricultural Impact Assessment and Method Statement has been submitted as a compromise by the developer and this suggests that as incursions do not impact a large proportion of the RPAs (only 10-20% of the root protection area would be impacted) then this should not adversely impact the health and stability of the trees to be retained. However to minimise impact on the two trees in question a site specific Arboricultural Method Statement has been put together and submitted. This includes a tree protection plan showing protective fencing to remain in situ until completion of construction and final landscaping and also a no dig construction zone.

Ecology

- 7.29 The Head of City Services (Ecology) is satisfied with the ecological information submitted with the application and with the demolition of the proposed buildings, however in line with aims of Policy GP5 of the NLDP 2011-2026 (adopted January 2015) requested ecological

enhancement of the site. The requirement for ecological enhancement has also been reaffirmed in the recent 'Dear CPO' letter dated 23/10/2019 whereby it has been stated that the absence of any ecological enhancement must be given significant weight. A revised scheme has been submitted that has taken on board the Ecologist's comments and now provides a series of bat and Swift nest boxes, particularly focussing on the apartment blocks adjacent to the reën. The details of these boxes can be controlled by way of condition and as such, the proposal is considered to comply with the aims of Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

Waste

- 7.30 The proposal includes each apartment having their own individual bin storage area, with these largely being incorporated into the design of the apartment blocks. For the apartment block containing apartments 13-18 3no. it would have a separate external enclosure to the west of the block. The Head of City Services (Waste) has stated that as refuse vehicles would not enter private areas refuse would need to be presented kerbside. It is the intention that the main internal road through the site would be adopted, however if this is not the case then an indemnity would need to be agreed, otherwise refuse vehicles would not access the site.

Drainage

- 7.31 Welsh Water have confirmed that there is capacity for foul water within the public sewerage network and have requested a condition in relation to the disposal of foul water flows. The development requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards and the developer requires an application to the SuDS Approval Body.

Flood Risk

- 7.31 The application site lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, a designated main river, and within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the Lliswerry Pill Reën.
- 7.32 Natural Resources Wales have reviewed the submitted Flood Consequence Assessment and the site is to remain flood free in all of the aforementioned flood events. NRW do not object to the application.

TAN 15 Assessment

- 7.33 TAN 15 sets out a precautionary framework and identifies that new development should be directed away from areas which are at high risk of flooding (defined as Zone C), and where development has to be considered in such areas, only those developments which can be justified on the basis of the tests outlined in the TAN are to be located in such areas. It maintains that there should be minimal risk to life, disruption and damage to property. Development should only be permitted in Zone C1 if it can be demonstrated that:
- i) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
 - ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners to sustain an existing settlement or region; and,
 - iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and
 - iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable.

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

Test 1 – Justification

- 7.36 **Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement.**
- 7.37 The site lies within the urban boundary as per the Newport Local Development Plan 2011-2026 (adopted January 2015). The proposal would result in the demolition of existing residential units that are currently vacant and do not make a positive contribution to the visual amenity of the area. The new dwellings would form part of a regeneration scheme at the site that would provide a mix of affordable housing tenure and is welcomed in principle as an urban regeneration scheme.
- 7.38 **It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 4.4)**

PPW defines previously developed land as:

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

- 7.39 The site currently houses 5no. residential buildings and meets the definition of previously development land.

Tests 2 to 12 – Consequences of Flooding

- 7.40 Criterion (iv) of paragraph 6.2 of TAN 15 refers specifically to the potential consequences of a flooding event for the particular type of development have been considered. These are referred to as tests 2 to 12 below.
- 7.41 ***Test 2 - Flood defences must be shown by the developer to be structurally adequate particularly under extreme overtopping conditions (i.e. that flood with a 1 in 1000 chance of occurring in any year).***
- NRW has not objected to the development on the basis of inadequate flood defences.
- 7.42 ***Test 3 - The cost of future maintenance for all new/approved flood mitigation measures, including defences must be accepted by the developer and agreed with Natural Resources Wales.***
- The site is located above all potential flood levels and this has been confirmed by NRW.
- 7.43 ***Test 4 - The developer must ensure that future occupiers of the development are aware of the flooding risks and consequences.***

A flood consequence assessment has been submitted demonstrating that the developer is aware of the risks and consequences of flooding and that future occupiers will be given information regarding what to do in the event of a flood.

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

Whilst it is not predicted that the site would flood, due to the nature of the predicted tidal flooding, the FCA has advised that the timescales expected with tidal flood events show sufficient warning and evacuation time (if this were to be required). The FCA advises that the

property owner signs up for flood warnings. The applicant has proposed to sign up to NRW's Flood Warning System however whilst NRW seek to provide timely and robust warning it cannot be guaranteed their provision. No objection is offered by NRW on this basis.

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

The proposed development will remain flood free in all events and as such, evacuation routes would not be required to be used as the occupiers would be able to remain at their property during inclement weather events.

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

This is not considered appropriate given the level of flood risk.

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

The development will remain flood free in all instances.

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

The development will remain flood free in all instances.

7.49 Test 10 - No flooding elsewhere.

The proposed development does not increase flood risk elsewhere as there is no increase of impermeable area on the existing brownfield site. The site is not predicted to flood and therefore cannot affect flood risk elsewhere.

7.50 Test 11 - Paragraph A1.14 of TAN 15 identifies that the development should be designed to be flood free for the lifetime (A1.5) of development for either a 1 in 100 chance (fluvial) flood event, or a 1 in 200 chance (tidal) flood event including an allowance for climate change (depending on the type of flood risk present) in accordance with table A1.14.

7.51 The site is predicted to remain above the predicted flood levels in these events.

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

The access and egress route at the site is not predicted to flood and will remain operational during all flood events.

7.53 The FCA has recognised that the site is located within a C1 flood zone and as such has provided mitigation measures including registering with the NRW Flood Warning System, providing information and procedures on what to do in the event of a flood. The site would however, remain flood free in all events and is a significant urban regeneration scheme to provide a mix of affordable housing units. Overall, it is considered that the flood risk is considered to be acceptable and the proposal is compliant with the aims of Policy SP3 of the NDLP 2011-2026 (adopted January 2015) and the aims of TAN15.

Section 106 Planning Obligation matters

7.54 In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will

be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location.

7.55 In this case the application is for affordable housing with the applicant being Newport City Homes. Contributions towards affordable housing, education and leisure would not be required where the scheme is delivering affordable housing.

7.56 In order to safeguard the Authority a section 106 planning obligation is required to secure the affordable housing, education and leisure contributions should any of the units be sold as private market housing. The section 106 sets out formulas for calculating the sums should this scenario arise. The applicant has agreed to these terms.

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

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

9. CONCLUSION

- 9.1 The proposed development is considered to have significant regeneration benefits and is to make a positive contribution to the affordable housing mix in the area in accordance with local and national policies. The proposed residential properties will provide an adequate level of amenity for future occupants and the residential amenities of existing nearby residents will be protected.

10. RECOMMENDATION

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

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

Drawing No. 3647 PA 004 – Proposed Site Plan Rev C;
Drawing No. 3647 PA 0101 Rev B – 2B4P House Type A (Plots 25, 26, 29, 30, 32-35);
Drawing No. 3735 PA 011 Rev B – 2B4P House Type B Floor Plans (Plot 27);
Drawing No. 3647 PA 012 Rev C – 4B7P House Type A Floor Plan (Plot 28);
Drawing No. 3647 PA 013 Rev B – 4B6P House Type B Floor Plans (Plot 31);
Drawing No. 3647 PA 014 Rev C – Apartment Block (Plots 01-12);
Drawing No. 3647 PA 015 Rev B – Apartment Block – 2.5 Storey (Plots 13-24);
Drawing No. 3647 PA 016 Rev A – Bin Store;
Drawing No. 10/2019 – Arboricultural Impact Assessment RPA Plan;
Drawing No. RF-076-200 – Planting Plan Rev A;
Drawing No. 10/2019 – Tree Protection Plan;
Drawing No. RF-076-001 – General Arrangement Plan Rev B;
Arboricultural Impact Assessment and Method Statement;
Design and Access Statement Part 1;
Design and Access Statement Part 2; Tree Constraints Plan;
Drawing No. 3647 PA 017 – Hazard Awareness Plan;
Flood Consequence Assessment and Drainage Strategy Report Revision 1;
Geoenvironmental and Geotechnical Assessment;
19-00611/TS/01 Transport Statement (June 2019);
Extended Phase 1 Ecology Survey (January 2019);
Ecological Services Ltd - Bat Survey.

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

Pre- commencement conditions

02 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 in accordance with Policy GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

03 No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall

provide for the disposal of foul water flows and thereafter be implemented in accordance with the approved details prior to the occupation of the development.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policy GP3 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

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

Reason: To ensure that the amenities of future occupiers are protected in accordance with Policy GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

05 No development, other than demolition, shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the maximum day time noise level in outdoor living areas exposed to external road traffic 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 in accordance with Policy GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

06 Prior to the commencement of development, other than demolition, written approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs). This shall include full details of permanent protective fencing to all trees located within or adjacent to highway or parking areas and barriers or walling to shrub planting adjacent to parking areas (to prevent damage). The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner in accordance with Policy GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

07 Notwithstanding the details submitted, full details (to include samples) of the shared surface areas shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (excluding demolition). The development shall be completed in accordance with the details approved and retained thereafter.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner in accordance with Policy GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

08 Prior to the commencement of development a means of preventing vehicles from using the pedestrian footpath/cycleway to the south of the site as a vehicular access and for cycle calming measures shall be submitted to and approved in writing by the Local Planning Authority. The footpath/cycleway to include these measures shall be completed fully in accordance with the details agreed prior to the occupation of the first dwelling and retained in that state thereafter.

Reason: In the interests of highway safety, residential amenity and sustainability in accordance with Policy GP2, GP4 and SP1 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

09 Notwithstanding the details submitted, prior to the commencement of development, other than demolition, full details to include the materials and heights of the proposed boundary treatments facing onto public areas at Plots 25, 27-28, 29, 31, 32, 34 and 35 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the details agreed and retained in that state thereafter.

To ensure a high quality finish to built development and compatibility with existing built form in the interests of visual amenity in accordance with Policy GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

10 Prior to the commencement of development (excluding demolition) details of ecological mitigation and enhancement as proposed on "Drawing No.3647 PA 004 – Proposed Site Plan Rev C" shall be submitted to and approved in writing by the local planning authority. This shall include full details of the location of the bat and bird boxes within buildings and the timing of their inclusion. The details shall then be implemented as approved and shall be retained in perpetuity.

Reason: In the interest of protecting bats and nesting birds in accordance with Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

Pre – construction conditions

11 Notwithstanding the information submitted, full details of external finishes of the apartment blocks, houses and bin stores hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction. The development shall be completed in accordance with the details agreed.

Reason: To ensure a high quality finish to built development and compatibility with existing built form in the interests of visual amenity in accordance with Policy GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

Pre –occupation conditions

12 Prior to the occupation of any unit, space for the parking of vehicles shall be provided to serve the unit in accordance with the details shown on "Drawing No.3647 PA 004 – Proposed Site Plan Rev C". Thereafter, the parking spaces shall be kept available for such use at all times.

Reason: To ensure that adequate off-street parking provision is made in the interests of highway safety in accordance with Policy GP4 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

13 Prior to the occupation of any unit, the pedestrian access routes onto the Lliswerry Pill Reen walkway as shown on "Drawing No.3647 PA 004 – Proposed Site Plan Rev C" shall be made fully available for use and retained in that state thereafter.

Reason: To promote sustainable active travel routes in accordance with Policy SP1 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

14 Prior to the occupation of any of the apartment blocks hereby approved, the waste storage areas shall be fully completed in accordance with the approved details and made available for use and retained in that state thereafter.

Reason: To ensure adequate bin storage is provided for the site in accordance with Policy W3 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

15 The first floor windows in the rear elevation of Plots 25-26 (inclusive) and 32-35 (inclusive) hereby approved that serve bathrooms shall be fitted with obscured glazing prior to the first occupation of the dwellinghouse and retained in that state thereafter.

Reason: In the interests of residential amenity in accordance with Policy GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

16 All bathroom openings within the apartment blocks hereby approved shall be fitted with obscured glazing prior to the first occupation of the apartment it serves and retained in that state thereafter.

Reason: In the interests of residential amenity in accordance with Policy GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

General conditions

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking or re-enacting that order), schedule 2, part 2, class A, other than those approved no wall, fence, gate, hedge or other means of enclosure shall be erected or planted forward of the front wall of the dwelling(s) hereby permitted without the prior written permission of the local planning authority.

Reason: In the interests of the visual amenities of the area and highway safety in accordance with Policy GP2 and GP4 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order), Schedule 2, Part 1, no development within Classes A and E shall be carried out at Plot 35 as shown on "Drawing No.3647 PA 004 – Proposed Site Plan Rev C" hereby approved without the prior written permission of the Local Planning Authority.

Reason: To ensure that a satisfactory form of development takes place and to protect the amenities of occupiers of adjoining properties in accordance with Policy GP2 and GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

19 A Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the Management Plan shall include the following;

- i) Description and evaluation of Green Infrastructure assets to be managed.
- j) Trends and constraints on site that might influence management.
- k) Aims and objectives of management.
- l) Appropriate management options for achieving aims and objectives.
- m) Prescriptions for management actions.
- n) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).
- o) Details of the body or organization responsible for implementation of the plan.
- p) Ongoing monitoring and remedial measures.

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

Reason: To safeguard all Green Infrastructure Assets at the site in accordance with Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos:

Drawing No. 3647 PA 001 Proposed Site Location Plan;
Drawing No. 3647/PA/020 – Indicative Street Scene and Apartment Elevation Coloured;
Drawing No. 3647 PA 004 – Proposed Site Plan Rev C;
Drawing No. 3647 PA 0101 Rev B – 2B4P House Type A (Plots 25, 26, 29, 30, 32-35);
Drawing No. 3735 PA 011 Rev B – 2B4P House Type B Floor Plans (Plot 27);
Drawing No. 3647 PA 012 Rev C – 4B7P House Type A Floor Plan (Plot 28);
Drawing No. 3647 PA 013 Rev B – 4B6P House Type B Floor Plans (Plot 31);
Drawing No. 3647 PA 014 Rev C – Apartment Block (Plots 01-12);
Drawing No. 3647 PA 015 Rev B – Apartment Block – 2.5 Storey (Plots 13-24);

Drawing No. 3647 PA 016 Rev A – Bin Store;
Drawing No. 10/2019 – Arboricultural Impact Assessment RPA Plan;
Drawing No. RF-076-200 – Planting Plan Rev A;
Drawing No. 10/2019 – Tree Protection Plan;
Drawing No. RF-076-001 – General Arrangement Plan Rev B;
Arboricultural Impact Assessment and Method Statement;
Design and Access Statement Part 1;
Design and Access Statement Part 2; Tree Constraints Plan;
Drawing No. 3647 PA 017 – Hazard Awareness Plan;
Flood Consequence Assessment and Drainage Strategy Report Revision 1;
Geoenvironmental and Geotechnical Assessment;
19-00611/TS/01 Transport Statement (June 2019);
Extended Phase 1 Ecology Survey (January 2019);
Ecological Services Ltd - Bat Survey;
Pre Application Consultation Report July 2019;
Drawing No. 70265_AL(01)0001_-_Block 1 - Existing Floor Plans - Flats 1-5;
Drawing No. 70265_AL(01)0101_-_Block 2 - Existing Floor Plans - Flats 6-9;
Drawing No. 70265_AL(01)0201_-_Block 3 - Existing Floor Plans - Flats 10-14;
Drawing No. 70265_AL(01)0301_-_Block 4 - Existing Floor Plans - Flats 21-28;
Drawing No. 70265_AL(01)0401_-_Block 5 - Existing Floor Plans - Flats 29-36;
Drawing No. 70265_AL(02)0004_-_Block 1- Existing Elevations;
Drawing No. 70265_AL(02)0004_-_Block 2 Existing Elevations;
Drawing No. 70265_AL(02)0004_-_Block 3- Existing Elevations;
Drawing No. 70265_AL(02)0004_-_Block 4- Existing Elevations;
Drawing No. 70265_AL(02)0004_-_Block 5- Existing Elevations.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP3, SP18, GP2, GP3, GP4, GP5, GP6, GP7, H2, H3, H4, H9, T4 and W3 were relevant to the determination of this application.

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

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

05 The development requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards and the developer requires an application to the SuDS Approval Body.

APPLICATION DETAILS

No: 19/0843 **Ward:** *PILLGWENLLY*

Type: FULL (MAJOR)

Expiry Date: 27-FEB-2020

Applicant: *MELIN HOMES*

Site: *TREDEGAR COURT, MARION STREET, NEWPORT, NP20 2HB*

Proposal: *DEMOLITION OF EXISTING OLDER PERSONS ACCOMMODATION BLOCK (CURRENTLY 39NO. BEDSITS) TO PROVIDE 47NO. OLDER PERSONS FLATS, STAFF ROOM, COMMUNAL LOUNGE, RECEPTION AREA, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS*

Recommendation: **GRANTED WITH CONDITIONS SUBJECT TO A SECTION 106 LEGAL AGREEMENT WITH DELEGATED POWERS TO REFUSE PERMISSION SHOULD THE AGREEMENT NOT BE SIGNED WITHIN 4 MONTHS OF A RESOLUTION TO GRANT PERMISSION.**

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the demolition of an existing older persons accommodation block which, is located off Marion Street and is known as Tredegar Court. The existing block currently provides 39 no. bedsits and it is proposed to provide 47 no. older persons flats which, would be arranged across two new apartment blocks. It is also proposed to provide a staff room, communal lounge, reception area, car parking and landscaping across the site.
- 1.2 The building to be demolished was built in the late 1970s and it has become rundown, dated and requires significant investment to provide care in line with 21st century standards. It is currently vacant and the previous tenants have been temporarily relocated elsewhere in the vicinity to enable the redevelopment works to be undertaken. The proposed scheme would provide affordable housing and would be managed by a housing association.

2. RELEVANT SITE HISTORY

06/0728	CONVERSION OF EXISTING 3 BEDROOM FLAT INTO 2NO. ONE BEDROOM FLATS	Granted with conditions
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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 **H2 Housing Standards** promotes high quality design taking into consideration the whole life of the dwelling.

Policy **H4 Affordable Housing** sets out the affordable housing targets for the four submarket areas within Newport. For new housing sites of fewer than 10 dwellings within the settlement boundary, and fewer than 3 dwellings within the village boundaries, a commuted sum will be sought.

Policy **H8 Self Contained Accommodation and Houses in Multiple Occupation** sets out the criteria for subdividing a property into self-contained flats. The scheme must be of appropriate scale and intensity not to unacceptably impact on the amenity of neighbouring occupiers and create parking problems; proposals must not create an over concentration in any one area of the city; and adequate noise insulation is provided and adequate amenity for future occupiers.

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 SOUTH WALES FIRE AND RESCUE: 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.
- 4.3 HEDDLU – GWENT POLICE (ARCHITECTURAL LIAISON): No response.
- 4.4 NEWPORT ACCESS GROUP: No response.
- 4.5 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: No objection.
- 4.6 DWR CYMRU – WELSH WATER: We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We would like to make the applicant aware that the nearest public sewers located north & south of the development site on Marion Street & Adeline Street are large diameter brick egg sewers, and we would therefore not be able to consider a new direct connection on to these strategic assets.

- 4.6.1 However, from reviewing the submitted drainage plan, we acknowledge the applicant proposes to connect to the existing onsite foul sewers and communicate with the public combined sewer located in Marion Street (PL_100) and can confirm we have no objections to this.
- 4.6.2 Recommend a condition preventing occupation of the buildings until the foul drainage system is completed in accordance with the details submitted.
- 4.7 REGIONAL AMBULANCE OFFICER: No response.
- 4.8 NEWPORT CIVIC SOCIETY: No response.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF CITY SERVICES (WASTE): Each property would be entitled to an allowance of 120 litres for general waste, with additional facilities for recycling. We note that there are 3 bin stores containing a mix of 1100 and 1280 litre bins. We have assumed that each bin store will be accessed by a maximum of 16 flats. Due to the size of the complex it is recommended that each bin store contains the following bins for recycling, plus up to 2 x 1100 litre bins for general waste.

1x 240 litre bin for food

1x 240 litre bin for glass

1x 660 litre bin for mixed cans and plastics 1x 660 litre bin for card and paper

- 5.1.1 Bin stores should be large enough to house general waste and recycling bins, and to allow for manoeuvrability of bins within.
- 5.1.2 In the event that the service roads within the development site are not adopted by Newport City Council, the applicant/developer (as landowner with responsibility for the maintenance and upkeep of the common areas of the development) may need to agree to indemnify Newport City Council to enable a Waste/Recycling collection service to be carried out by the Council within any part of the development site.

- 5.2 HEAD OF CITY SERVICES (TREES): No response.

- 5.3 HEAD OF LAW AND REGULATION (ENV.HEALTH): No objection subject to conditions requiring sound insulation and ventilation measures in accordance with the noise assessment, a scheme of mitigation for any outdoor living areas subject to noise levels over 50 dBA, a CEMP and a restriction on the hours of construction.

- 5.4 PLANNING CONTRIBUTIONS MANAGER: The proposal represents a 100% affordable dwelling development. Council policy stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations.

- 5.4.1 Notwithstanding paragraph 5.4, the development must provide a minimum of 30% affordable housing on-site (mix and type to be agreed with the Council). Alternatively, in exceptional circumstances, an off-site commuted sum could be agreed (in accord with the Affordable Housing SPG) for the provision of affordable housing for the City of Newport.

- 5.4.2 Whilst it is recognised that no education or leisure contributions are 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. Education and leisure formulas set out in the Planning Obligations SPG will be applied.

- 5.5 HEAD OF CITY SERVICES (LANDSCAPING):

- Look at hedging to soften the bin store surround.
- The arrangement of the two small raised planters to Adeline Street could be rationalised into a larger planted area with an additional street tree.
- Tree planting to the street should be more mature than the 12-14cmg proposed in order to make an immediate impact and be more resistant to vandalism.

- A tree survey has been undertaken but tree losses are not plotted on the landscape plan and the tree survey does not show the proposals. All trees appear to be proposed for removal (20 no) with little justification [a line in the planning statement 5.9 'Existing trees have grown too large for the site and cause too much overshadowing'. Whilst this is the case for many or their health is poor, it is not the case for a number of smaller trees eg whitebeam. It is acknowledged that there are a number of trees proposed as replacement planting, but the loss of 20 urban trees should have a clear rationale for removal.
- A maintenance and management plan for the planting is required.

5.6 REGENERATION, INVESTMENT AND HOUSING (AFFORDABLE HOUSING): Support the redevelopment of the Tredegar Court sheltered housing scheme. Newport's current Local Housing Market Assessment (LHMA) identifies a significant need for accommodation for older people. There are currently 1,594 people over the age of 55 on the housing waiting list of which 224 are seeking rehousing in this particular area. Bedsits are becoming increasingly unpopular and hard to let and I welcome the plan to replace these with 1 and 2 bedroom units of accommodation. The provision of some 2 bedroom units is particularly welcome as despite them being the preferred option for many older people the LHMA anticipated that lets of 2 bedroom accommodation would only account for around a third of lettings of older persons accommodation over the life of the plan. The replacement of bedsit accommodation with flats also supports NCC's well-being goals and supports the provisions of the Wellbeing of Future Generations Act as it is promoting regeneration, enabling people to be healthy, independent and resilient and helping to build cohesive and sustainable communities.

5.6.1 This particular scheme directly addresses the need identified in the LHMA for good quality, affordable, older persons accommodation. The Housing Strategy function have worked extensively with Melin Homes and other RSL partners to apprise the long term suitability of the current older persons' provision in the Pillgwenlly ward. This proposal is consistent with the outcomes of that work which looked at the level and type of need and how it could be met in a sustainable way. Melin Homes have consulted extensively on these proposals and have significantly reworked elements of their plans following public feedback. Existing residents of the scheme have also had an input into the development of the proposals and whilst they have been decanted to alternative properties they will all be given the opportunity to return once the redevelopment is complete.

5.7 HEAD OF CITY SERVICES (ACTIVE TRAVEL): No response.

5.8 HEAD OF CITY SERVICES (HIGHWAYS): No objection. The proposed planning application will increase the parking demand. The existing accommodation provides 20 to 21 parking spaces for 39 No of bedsits for older persons. In accordance with the Newport City Council Parking Standards the proposed 47 No flats generate a need of at least 2 more parking spaces per 4 units and 1 extra space per 2 staff members. The provision of 29 parking spaces in total, would sufficiently cover the altered parking demand.

5.9 HEAD OF CITY SERVICES (ECOLOGY): An update bat roost assessment survey has been undertaken which has found the buildings to be in similar condition to the original survey. Although we would normally prefer for an update activity survey to be carried out as well, I do not believe it would be proportionate in this situation to delay the application further. A suitable working method statement has been proposed which if followed should avoid any offence in the event of finding a bat roost. It is recommended that you secure the methods with a condition. It is also recommended that you include Drawing title "Figure 1: indicative locations of bat and bird boxes" as one of the approved plans to secure the provision of replacement bat roosting opportunities for no biodiversity net loss.

5.10 HEAD OF CITY SERVICES (DRAINAGE): No response.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties sharing a common boundary and opposite the application site were consulted (122 properties), a site notice displayed and a press notice published in South Wales Argus. No responses.

7. ASSESSMENT

7.1 Tredegar Court comprises two residential blocks. Block 1 is part two storey/part three storey. It fronts Marion Street and form a U shape around a central garden area. The rear of the building is open space with amenity grass, shrubs and a number of trees. This area fronts onto Adeline Street and is enclosed by palisade fencing. To the west of Block 1 is a car parking area which currently provides 9 parking spaces and is accessed off Marion Street. To the east of the open space is another parking area, providing 10 parking spaces and is accessed off Adeline Street. To the east of Block 1 is Block 2 which fronts onto Marion Street, Pottery Terrace and Adeline Street. It is also a U shaped building with a central courtyard. This is also part of Tredegar Court and provides older persons accommodation. No alterations are proposed to Block 2.

7.1.1 To the east and south of the site are the residential streets of Marion Street and Adeline Street. These are traditional, two storey and predominantly terraced properties. To the north of the site is St Michaels Primary School and a playing field.

7.2 The proposals

7.2.1 It is proposed to demolish Block 1 and construct two new apartment blocks, which would be joined via a two storey corridor link. The block fronting Marion Street would have a similar footprint to the existing Block 1 building. It would be three storeys but with a step down to the adjacent neighbouring buildings (Block 2 and 10 Marion Street). It would have an L shape around a communal garden area. The other block would be constructed in the area which is currently open space. It would front Adeline Street and would be two storeys. This block would provide the principle entrance to the development and along with some flats it would provide an entrance lobby, meeting room, office and communal lounge. The development would provide 47 no. one and two bed flats.

7.2.2 The buildings would provide 1 and 2 bed flats. The buildings would have pitched roofs and windows would have a vertical emphasis, with full height windows for living rooms. The full height windows would form box bay windows. It is proposed to use two types of clay facing brick, with brick patterning to define the ground floor. Gable end would be finished with hanging slates and there would be small areas of timber cladding. Roofs would be finished with slate or reconstituted slate and windows would be aluminium or timber composite.

7.2.3 In order to accommodate the new Adeline Street block it is proposed to reduce the size of the existing car parking area from ten to five spaces. It is also proposed to move the access marginally to the east, so that it would be closer to the side elevation of Block 2. It is proposed to provide additional parking (10 spaces) within the internal courtyard which is surrounded by Block 2. To the west of the Marion Street block it is proposed to enlarge the existing parking area from 9 spaces to 14 spaces. The access would remain as existing.

7.2.4 There are a number of trees across the site and it is proposed to fell 15 trees in total. A comprehensive landscaping scheme is proposed which includes the planting of new trees, shrub and hedge planting, along with communal lawns and a sensory garden.

7.3 Principle of development

7.3.1 The site is previously developed land within the defined settlement boundary and is currently in residential use. Its redevelopment, which would be considered as an urban regeneration proposal, is therefore considered to be acceptable in principle and would be consistent with policy SP18 of the Newport Local Development Plan and its general brownfield strategy.

7.3.2 The proposal would increase the amount of residential accommodation and as such the overall housing density would increase. The proposal would achieve a density of around 109 dwellings per hectare which exceeds the requirement of policy H3, which seeks to achieve a minimum of 30 dwellings per hectare.

7.3.3 The Councils Housing Strategy Officer supports the proposed redevelopment of the site, in particular the replacement of bedsits which, are becoming increasingly unpopular and hard to let. The Officer considers the scheme to be good quality, affordable, older persons accommodation and the proposal is consistent with a long term appraisal of the long terms suitability of the current older persons' provision of accommodation in the Pillgwenlly ward, carried out by the Councils Housing Strategy Officer and Registered Social Landlords.

7.4 Existing and future residential amenity

- 7.4.1 In terms of residential amenity Policy GP2 requires development to not have a significant adverse effect on local amenity, not be detrimental to visual amenities of nearby occupiers or the character or appearance of the surrounding area and to provide adequate amenity for future occupiers. Policy H8 states that self-contained accommodation will only be permitted if the scale and intensity of the use does not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on street parking problems; and adequate noise insulation is provided.
- 7.4.2 The application site is located in a predominantly residential area. It is considered that the continued residential use of the site would be compatible with those surrounding residential uses.
- 7.4.3 In terms of the amenity of future occupiers of the proposed flats the Flat Conversions SPG makes recommendations in terms of internal floor space. It recommends that new 1 bedroom flats have a floor space of at least 50 sq.m and 2 bedroom flats have at least 65 sq.m. All of the proposed flats meet these standards and it is considered that they provide a good standard of living for future occupiers.
- 7.4.4 The Flat Conversions SPG also recommends that outdoor amenity space should be made available to the occupants of flats wherever the opportunity exists. It is proposed to provide a large communal amenity areas including communal gardens, a sensory garden and a communal lounge. All flats would have access to these communal areas and it is considered that this would offer a good standard of residential amenity.
- 7.4.5 In terms of existing residential amenity there are a number of existing properties that share a boundary with the application site. No. 42 Adeline Street lies adjacent to the southern portion of the site and the side boundary of the rear garden adjoins the site. It is proposed to provide a landscaped area, including the sensory garden closest to this neighbouring property. The apartment block which front Adeline Street would be 17m from the side elevation of no. 42 Adeline Street. No windows other than those serving corridors would face towards the neighbouring property. The western wing of the apartment block, which fronts Marion Street, would be three storeys (as it is currently) and it would be within 9m of the rearmost portion of the rear garden of no.42 Adeline Street. It is proposed to have bedroom and windows at first and second floor which, would align with this part of the garden. The SPG recommends suitable separation distances between high-level protected windows and adjacent back gardens, in order to prevent a loss of privacy. 10m is considered to be a suitable separation distance. There would be a separation of 9m which falls slightly short of the recommended distance however, it is considered that because the windows would look towards the very rearmost portion of the garden there would not be a significant loss of private amenity. Furthermore, it is proposed to plant two trees, commonly known as Tulip trees, which grow up to 20m tall. The provision of these trees would provide screening from the proposed windows.
- 7.4.6 No. 10 Marion Street lies adjacent to the northern portion of the site and adjacent to the existing car park. It is proposed to increase the size of the car park to provide an additional 5 spaces. It is recognised that the proximity of a car park to the neighbouring property has the potential to cause noise and disturbance however, the neighbouring occupier is already accustomed to vehicle movements associated with the existing car park. It is considered that an additional five spaces would not significantly add to the existing noise and disturbance which currently exists. It is proposed to retain the existing fence and wall along the shared boundary which, would maintain screening. It is also proposed to plant evergreen shrubs along the boundaries which is considered to soften impact of the car park.
- 7.4.7 The apartment block in the northern portion of the site would have a similar footprint to the existing building. It would be 23.9m from no. 10 Marion Street and it is considered at this distance it would not result in a harmful impact on residential amenity.
- 7.4.8 To the east of the site is the existing Block 2 of Tredegar Court, which is a two storey building. It is proposed to demolish the eastern wing of Block 1 and only partially replace it with a new building. A new communal garden is proposed where part of the existing east wing is and as such the overall site would become more open and there would be less built form within

proximity to the existing Block 2 of Tredegar Court. The apartment block which would replace Block 1 (facing towards Marion Street) would be located 5.8m from the side elevation of Block 2. There would be no windows in either elevation and the proposed building would be two storeys, following the approximate footprint of the existing building. It is considered that the proposed building would not result in a loss of privacy, light, nor would it have an overbearing impact on the neighbouring occupiers.

- 7.4.9 To the south of the site a new apartment block is proposed. This building would be two storeys and would be positioned around 14.7m from the southern wing of Block 2 of Tredegar Court. At this distance and scale it is not considered that the proposed building would result in a harmful impact on the residential amenity of the neighbouring occupiers.
- 7.4.10 The proposals involves an amendment to the existing access off Adeline Street and it would be positioned closer to the side elevation of the southern wing of Block 2. There are two windows in the side elevation of Block 2 however, as they are not habitable room windows it is considered that there would not be a harmful impact on the occupiers of the neighbouring properties.
- 7.4.11 It is also proposed to create a car parking area within the internal courtyard of Block 2. This parking area would be within proximity to the fronts of flats within Block 2. It is recognised that the creation of a car park in this area would introduce a more noisy and disturbing activity than that which currently exists. At its nearest point the parking spaces would be around 7.5m from the front elevation of the flats however, it is proposed to plant a continuous hedgerow with trees at intervals, followed by various shrub planting within the intervening distance. The landscaped buffer would be 2.5m wide. It is considered that this landscape buffer would reduce the impact of the parking area sufficiently to prevent significant harm on the residential amenity of the neighbouring occupiers. It is also noted that the car park would be for use by the residents of Block 2 and this would provide some betterment to the current situation, where there is limited off-street parking available. To ensure existing residents are not exposed to excessive light disturbance it is recommended that a condition is imposed requiring details of any lighting within the car parking areas.

7.5 **Noise**

7.5 The applicant has submitted a noise assessment, which was carried out to assess the impact of noise from the nearby primary school. The assessment concludes that habitable room windows in the front elevation and west facing elevation of the building facing Marion Street require acoustic double glazing and acoustic trickle vents. Elsewhere windows could be of a standard construction and standard ventilation.

- 7.5.1 The Councils Environmental Health Officer is satisfied with the noise assessment and recommends conditions requiring the implementation of the sound insulation and ventilation measures in accordance with the noise assessment. The Environmental Health Officer also recommends a conditions requiring a scheme of mitigation for any outdoor living areas subject to noise levels over 50 dBA and the submission of a construction environmental management plan. These conditions are imposed. The Environmental Health Officer also requires a condition which restricts the hours of construction, this condition is not considered to be necessary as there are more effective controls of any nuisance generated through construction through the Control of Pollution Act 1974. An informative is added to alert the applicant to recommended working hours.

7.6 **Design and visual amenity**

- 7.6.1 It is not considered that the existing building to be demolished has any significant design merit and in visual terms, it does not have sufficient quality to warrant its retention. The surrounding streets of Marion Street and Adeline Street are two storeys in scale and have a traditional terraced design, with some having bay windows on the ground and first floor. In the neighbouring streets there is more variety in design but generally of a two storey scale. Although, the notable exception is St Stephens Court which is a more modern, three storey apartment complex on Pottery Terrace. The existing Block 1 is also three storey in places. The proposed building, which fronts Marion Street would be predominantly three storeys but would be stepped down towards 10 Marion Street and Block 2 of Tredegar Court to reflect the scale of these buildings. The building which would front Adeline Street would be two

storeys and as such reflective of the scale of the neighbouring buildings. This is considered to be particularly important as Adeline Street has houses on either side of the road and as such the proposed building would not result in an overbearing impact on those properties opposite. There are playing fields opposite the Marion Street buildings and as such, the street is capable of accommodating a three storey building without it being overbearing.

7.6.2 It is considered that the proposed palette of materials as set out in paragraph 7.2.2 are good quality and would contribute towards delivering a high standard of design. The proposed materials have been chosen to reflect the palette of materials within the surrounding area. The design of the box dormers and the pitch of the roofs are also considered to be reflective of the features seen in the surrounding area. The applicants have amended and adapted the design of the proposed development following extension consultation with the surrounding neighbourhood and the feedback given in response to the current proposal has been positive.

7.6.3 The proposal would see the introduction of built form in an area that is currently open space. It is recognised that this would change the open environment, which currently exists in this part of Adeline Street, although it should be noted that the existing open space is not available for public use. The application addresses this impact by introducing an area of open space in between no. 42 Adeline Street and the southern block. Tree planting and landscaping is also proposed along the frontage with Adeline Street, and part of the building would be set further back from the road. Overall it is considered that given the two storey scale of the building, the provision of open space, tree planting and landscaping, the proposal would still achieve an open feel and would not be visually harmful.

7.7 Landscaping and trees

7.7.1 An extensive landscaping scheme is proposed across the site and amendments to the scheme have been made in line with the Councils Landscape Officers comments. A Landscape Specification and Management Plan has also been submitted as requested by the Landscape Officer. This details a planting regime, inspections and maintenance following planting and maintenance for 5 years after planting.

7.7.2 In terms of trees the applicant has undertaken a tree survey which identifies 20 trees and shrubs across the site. It is proposed to remove the 15 trees present. The tree survey identifies trees within the southern portion of the site as Category C trees. The tree survey states that Category C trees are of little merit and need not necessarily be a significant constraint on the site's potential as their loss may be mitigated through planting.

7.7.3 Trees within the internal courtyards of Blocks 1 and 2, and at the entrance to the Marion Street car park are identified as category B trees. The tree survey states that efforts should be made to retain category B trees. The trees in these areas are categorised as B as they are large, more prominent specimens in good condition, or groups which have the potential to provide screening of views into or out of the site (or between parts of it).

7.7.4 The Trees, Woodland and Hedgerows and Development Sites SPG sets out three general principles relating to trees, woodlands and hedgerows within the Local Authority boundary:

- Manage: avoiding potential conflict between development and trees, woodland and hedges.
- Plant: encourage appropriate replacement tree planting where there has been a requirement to fell trees on private land and development sites.
- Protect: increase the tree cover within Newport to 25% within the next 15 years.

7.7.5 It is recognised that the proposed development would result in the loss of trees, some of which are category B trees which, would ideally be retained. It is recognised that 7 of the 10 category trees are located within the internal courtyards of Blocks 1 and 2; and as such their public value is limited, as they are not visible within the wider street scene. The remaining three category B trees are located at the entrance to the Marion Street car park and are visible in the street scene.

7.7.6 In response to concerns raised by the Landscape Officer the applicant has provided some justification for the removal of trees across the site. They state that the trees on site do not form, and have never formed, part of a comprehensive and managed landscaping scheme for the building but have grown in an ad hoc, unmanaged manner over the last 40 years. As

such, they have no particular amenity value, for the residents of Tredegar Court or the surrounding streets, and have outgrown their spaces in many instances. The proposed landscaping scheme would provide arboricultural, biodiversity and amenity enhancements for the new and existing residents of Tredegar Court and the existing residents of the surrounding locality by providing a completely new landscaping scheme, which will create an element of uniformity and assist ongoing management. Furthermore, trees in the central courtyard have been proposed for removal to enable a quality new landscaped central garden for use by residents, two 16-18cm girth trees are proposed in this area to replace three existing trees, which have outgrown the space. Two trees in the south west corner, adjacent to No. 42 Adeline Street, have been proposed to be felled to be replaced with a selection of seven trees in this area. The landowners of No. 42 Adeline Street have been specifically consulted on these proposals given their concerns about the existing trees and they have no objections. Two trees on the eastern side of the existing access in the north west corner of the site are compromised by the proposed building and therefore would need replacing; retaining the western tree that straddles the access could therefore unbalance the street scene and over dominate the new tree. As such, two trees of the same species and size are proposed to frame the entrance.

7.7.7 Overall it is proposed to plant 19 new trees across the site which would not only replace those which would be felled but would also increase the tree coverage which currently exists across the site. It is considered that the applicant has provided sufficient justification for the felling of the existing trees. On balance it is considered that the proposed development would satisfy the three principles set out in the Trees, Woodland and Hedgerows and Development Sites SPG; and the loss of existing trees is considered to be acceptable.

7.8 Highways

7.8.1 The application site is located within parking zone 3. As a whole (Block 1 and 2) Tredegar Court currently has 68 residential units and there are 19 parking spaces. The Parking Standards SPG sets out the parking demand for the existing and proposed development, these are represented in the table below:

	Type of development	Residents	Visitors	Parking spaces
Existing (68 units)	Self contained dwellings for elderly persons (wardened)	1 space per 4 units	1 space per 4 units	34 spaces
		1 space for warden		1 space
		1 space per 2 ancillary staff		1 space
	Total: 36 spaces			
Proposed (76 units)	Self contained dwellings for elderly persons (wardened)	1 space per 4 units	1 space per 4 units	38
		1 space for warden		1 space
		1 space per 2 ancillary staff		1 space
	Total: 40 spaces			

7.8.2 The existing development currently has a shortfall of 17 parking spaces. The applicant carried out a survey of the car ownership for the residents of blocks 1 and 2 (68 apartments) in summer 2018 when the whole site was fully operational. The results of that survey indicated that the car ownership total was 15 vehicles and as such there was no pressure for on-street parking as a result of the development. Given the continued nature of the proposed development it is considered reasonable to assume a similar level of car ownership would continue.

- 7.8.3 The proposed development would provide additional parking provision and 29 spaces are proposed. This would represent a shortfall of 11 spaces which is an improvement on the current situation.
- 7.8.4 Notwithstanding the above, the applicant has undertaken a parking survey in order to determine the level of on-street parking stress in the surrounding area. Parking beat surveys were undertaken every 30 minutes between 07:00 – 10:00 and 15:30 – 18:30 on a Tuesday in March 2018. The survey identified that there was a 68% spare capacity during the morning period and 70% spare capacity during the afternoon period. In addition, the Lambeth methodology night time car parking survey was undertaken within 200m walking distance of the application site. The surveys were carried out between 03:00 and 05:30 on two consecutive days in June 2018. The results indicate that the maximum demand for on-street parking was 54%. Both surveys indicate that there is a surplus of on-street car parking available in the local area.
- 7.8.5 The Head of City Services (Highways) has no objection to the proposed development.
- 7.9 Foul and surface water drainage**
- 7.9.1 The application includes a drainage statement which clarifies that the existing development is served by a combined sewer running along Marion Street. All surface water and foul water flows discharge at an unrestricted rate into the combined sewer.
- 7.9.2 It is proposed to only discharge foul water to the existing sewer which runs along Marion Street. This would provide betterment to the existing scenario as flows would be reduced by only taking foul water to this sewer and not surface water flows. Welsh Water has no objection to this subject to a condition which prevents the occupation of the buildings until the foul drainage system is completed in accordance with the details submitted. This condition is recommended.
- 7.9.3 In terms of surface water drainage, infiltration tests have been undertaken, which indicate that it is possible to infiltrate surface water into the ground. Given the size of the proposed development separate SUDs approval would be required prior to development commencing to ensure the most sustainable method of surface water disposal is proposed. An informative is recommended to alert the applicant to this.
- 7.10 Waste and recycling**
- 7.10.1 It is proposed to provide three bin storage areas across the site, which would be accessible within the proposed car parks or off Adeline Street. The Councils Waste Officer acknowledges the proposed three bin stores and provides a breakdown of the size of bins required to take the various streams of recyclable waste and landfill waste. Whilst the submitted plans do not match exactly the breakdown of bin sizes, each bin store is shown to provide more than enough space to accommodate the required bin sizes.
- 7.10.2 The Waste Officer also advises that the applicant/developer may need to agree to indemnify the Council to enable waste collections to be carried out within the site. An informative is added to advise the applicant of this.
- 7.11 Protected species**
- 7.11.1 A bat survey was undertaken in 2017 and at the request of the Councils Ecologist an updated inspection was undertaken in September 2019. The survey/inspection indicates that the building does not currently provide a breeding site or resting place for bats and it is unlikely that bats would be encountered during the proposed work. The report recognises that bats that bats are highly mobile and may colonise features that are not considered to be currently occupied. The report recommends that demolition works be carried out under a precautionary non-licensed Method Statement and the Method Statement is included within the updated survey report. Whilst the Councils Ecologist would normally prefer for an update activity survey to be carried out as well they do not consider that it would be proportionate in this situation. The Ecologist notes that a suitable working method statement has been proposed which if followed should avoid any offence in the event of finding a bat roost.
- 7.11.2 It is proposed to provide compensation and enhancement within the proposed scheme. It is proposed to provide four Schwegler bat tubes, two Schwegler sparrow terraces within the

proposed buildings, and a wildflower area, a species rich hedgerow and the retention of deadwood to benefit invertebrates. The location of the bat tube and sparrow terraces and the landscape enhancements are shown within the landscape plan and within the site layout plan. It is considered that an approved plans condition would ensure these measures are secured. It is also considered necessary to impose a condition which would secure development in accordance with the submitted bat method statement.

7.12 **Section 106 Planning Obligation matters**

- 7.12.1 In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location. In this case, section 106 planning obligations are required to mitigate the impact of the development in accordance with the table below.
- 7.12.2 In this case the application is for affordable housing and a registered social landlord (RSL) has been identified. Contributions towards affordable housing, education and leisure would not be required where the scheme is delivering affordable housing.
- 7.12.3 In order to safeguard the Authority a section 106 planning obligation is required to secure the affordable housing, education and leisure contributions should any of the units be sold as private market housing. The section 106 sets out formulas for calculating the sums should this scenario arise. The applicant has agreed to these terms.

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

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle

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

9. CONCLUSION

9.1 The proposed development is considered to be acceptable and in accordance with policies SP1, SP9, SP13, SP18, GP2, GP4, GP5, GP6, GP7, H2, H8, T4 and W3 of the Newport Local Development Plan. It is considered that the proposed development would not have a harmful impact on existing or future residential amenity, highway safety, the character and appearance of the surrounding area or on protected species. It is considered that the proposal would deliver sustainable development through the provision of good quality accommodation for older people and through ecological enhancements. It is recommended that planning permission is granted subject to conditions and the signing of a legal agreement.

10. RECOMMENDATION

GRANTED WITH CONDITIONS SUBJECT TO A SECTION 106 LEGAL AGREEMENT WITH DELEGATED POWERS TO REFUSE PERMISSION SHOULD THE AGREEMENT NOT BE SIGNED WITHIN 4 MONTHS OF A RESOLUTION TO GRANT PERMISSION.

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

15077 (05) 100 rev A – Site Location Plan
15077 (05) 200 rev G – Site Plans: Ground Floor and Site Plan
15077 (05) 201 rev E – First Floor Plan
15077 (05) 202 rev E – Second Floor Plan
15077 (05) 203 rev D – Roof Plan
15077 (05) 205 rev B – Street Elevations 1 and 2
15077 (05) 206 rev B – Elevations 3 and 4
15077 (05) 207 rev B – Elevations 5 and 6
PL_100 rev 0 – Engineering Layout
2620 – Topographical survey
TDA.2394.02 rev A – Detailed Landscape Proposals

Bat Survey Report (BSG Ecology, October 2019)
Geotechnical and Geo-Environmental Report (Terraforma, December 2017)
Landscape Specification and Management Plan (TDA, Oct 2019)
Transport Statement (Asbri Transport, August 2019)
Tree Survey (Steve Ambler and Sons, August 2017)
Building Inspection and Bat Emergence Survey (BSG, November 2017)
Drainage Statement (Quad Consult)
Noise Impact Assessment (Acoustic Consultants Ltd, June 2019)
Tree Inspection (BSG Ecology, May 2019)
Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based

Pre- commencement conditions

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

- 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) measures to minimise the impact on air quality;
- e) details of temporary lighting;
- f) details of enclosure of working areas;
- g) details of contractor parking areas and construction site accesses;
- h) details of delivery routes and phasing/programming of site works;
- i) a drainage strategy to operate setting out controls of contamination, including controls to surface water runoff, water pumping, storage of fuels and hazardous materials, spill response plans and pollution control measures.
- j) 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; and in accordance with policies GP2, GP4 and GP7.

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

Reason: To ensure that the development is completed in a manner compatible with its surroundings; and in accordance with policies GP2 and GP6.

04 No development, other than demolition, shall commence until full details of the proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed in accordance with the approved details prior to the first occupation of the associated dwelling and then maintained thereafter.

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

05 No development, other than demolition, shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the maximum day time noise level in outdoor living areas exposed to external noise sources shall not exceed 55 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, in accordance with policy GP2.

Pre –occupation conditions

06 Prior to the occupation of the development hereby approved a scheme for electric vehicle charging points serving the parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the occupation of the development and the charging points shall be retained thereafter in perpetuity.

Reason: In the interests of sustainability and air quality; and in accordance with policies SP1 and GP7.

07 The landscaping scheme as shown in approved drawing TDA.2394.02 rev A shall be carried out within the first planting season following the occupation of the dwellings or the completion of the development, whichever is the sooner. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with the approved Landscape Specification and Management Plan (TDA, October 2019). For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To ensure that the site is landscaped in a satisfactory manner and in the interests of visual amenity, in accordance with policies GP2, GP5 and GP6.

08 The development shall be carried out in accordance with the Drainage Statement (Quad Consult) and prior to the occupation of the development hereby approved the foul drainage system for the site shall be completed in accordance with drawing PL_100 rev 0 – (Engineering Layout). Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To ensure adequate drainage is provided, in accordance with policy GP3.

09 Prior to the occupation of the development hereby approved the parking areas shown on the approved drawings shall be implemented and available for use thereafter. The parking areas shall be retained in accordance with the approved details.

Reason: To ensure adequate parking is provided on site in the interests of highways safety and in accordance with policies GP4 and T4.

10 Prior to the occupation of the development hereby approved the ecological enhancements as detailed in the bat survey update (BSG Ecology, October 2019) and drawing TDA.2394.02 rev A shall be implemented and retained as such in perpetuity.

Reason: In the interest of ecology and sustainability, in accordance with policies SP1 and GP5.

11 Prior to the occupation of the development hereby approved, the mitigation scheme as detailed in section 7 of the Noise Impact Assessment (Acoustic Consultants Ltd, June 2019) shall be implemented to ensure that; all habitable rooms exposed to external noise sources 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] achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The mitigation measures shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of future occupiers are protected, in accordance with policy GP2.

12 Prior to the occupation of the development hereby approved, the bin stores as shown in drawing 15077 (05) 200 rev G (Site Plans: Ground Floor and Site Plan) shall be provided and retained as such in perpetuity.

Reason: To ensure that the amenities of future and existing occupiers are protected, in accordance with policies GP2 and W3.

Prior to installation conditions

13 Prior to the installation of any external lighting, details shall first be submitted to and approved in writing by the Local Planning Authority. The lighting shall only be installed in accordance with the approved details.

Reason: To ensure that the amenities of existing and future occupiers are protected, in accordance with policies GP2 and GP7.

General conditions

14 Development shall be carried out in accordance with Appendix 2 of the "Tredegar Court Bat Survey", produced by BSG ecology, dated 11th October 2019". The mitigation shall be implemented.

Reason: In the interest of ecology and sustainability, in accordance with policies SP1 and GP5.

NOTE TO APPLICANT

01 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, H2, H8, T4 and W3 were relevant to the determination of this application.

02 The applicant is advised to contact the Councils City Services (waste) department to discuss indemnity to enable a waste/recycling collection service to be carried out by the Council within any part of the development site.

03 The development will require approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. The applicant is advised to engage with the Authority's City Services (Drainage) department as the determining SuDS Approval Body (SAB).

04 To protect the amenities of existing residents, the following recommendation with regards to construction times should be attached to any permission to draw attention to the provisions

of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities -

(i) no construction work involving piling shall be carried out on the site other than between the hours of 08.00 and 17.00 Mondays to Fridays and no construction work involving piling shall be carried out on Saturdays, Sundays or Bank Holidays, where it would create noise audible at the boundary of any residential property.

(ii) Any construction work which does not involve piling shall not be carried out other than between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays, where it would create noise audible at the boundary of any residential property.

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

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

APPLICATION DETAILS

No: 19/0655 **Ward:** CAERLEON

Type: FULL

Expiry Date: 08-NOV-2019

Applicant: SAM HILL, NEWPORT NORSE

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

Proposal: REPLACEMENT OF EXISTING FENCE WITH NEW 2.4M HIGH WELD MESH FENCE AND GATES

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

1.1 This application seeks planning permission for the replacement of the existing fence with new 2.4m high weld mesh fencing and gates at the former Lodge Hill Infants School, Caerleon.

2. RELEVANT SITE HISTORY

08/0207	PROPOSED DISPLAY OF POLE MOUNTED 'ECO SCHOOL'S GREEN FLAG', CAERLEON LODGE HILL INFANT AND NURSERY SCHOOL	GRANTED
09/1213	ERECTION OF EXTERNAL CANOPIES FOR EXTERNAL PLAY	GRANTED
10/1211	ERECTION OF EXTERNAL CANOPY FOR OUTDOOR PLAY	GRANTED
12/0515	ERECTION OF CANOPY	GRANTED

3. POLICY CONTEXT

3.1 Policies GP2 (General Amenity), GP5 (Natural Environment) and GP6 (Quality of Design) of the Newport Local Development Plan 2011-2026 (adopted January 2015) are relevant to the determination of this planning application.

3.2 Policy GP2 (General Amenity) states: development will be permitted where, as applicable:

- i) There will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;
- ii) The proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;
- iii) The proposal seeks to design out the opportunity for crime and anti-social behaviour;
- iv) The proposal promotes inclusive design both for the built development and access within and around the development;
- v) Adequate amenity for future occupiers.

3.3 Policy GP5 (Natural Environment) states that development will be permitted where;

- i) the proposals are designed and managed to protect and encourage biodiversity and ecological connectivity, including through the incorporation of new features on or off site to further the UK, Welsh and/or Newport biodiversity action plans;
- ii) the proposals demonstrate how they avoid, or mitigate and compensate negative impacts to biodiversity, ensuring that there are no significant adverse effects on areas of

nature conservation interest including international, european, national, welsh section 42³² and local protected habitats and species, and protecting features of importance for ecology;

- iii) the proposal will not result in an unacceptable impact on water quality;
- iv) the proposal should not result in the loss or reduction in quality of high quality agricultural land (grades 1, 2 and 3a);
- v) there would be no unacceptable impact on landscape quality;
- vi) the proposal includes an appropriate landscape scheme, which enhances the site and the wider context including green infrastructure and biodiversity networks;
- vii) the proposal includes appropriate tree planting or retention where appropriate and does not result in the unacceptable loss of or harm to trees, woodland or hedgerows that have wildlife or amenity value.

- 3.4 Policy GP6 (Quality of Design) states: good quality design will be sought in all forms of development. The aim is to create a safe, accessible, attractive and convenient environment. In considering development proposals the following fundamental design principles should be addressed:
- i) Context of the site: all development should be sensitive to the unique qualities of the site and respond positively to the character of the area;
 - ii) Access, permeability and layout: all development should maintain a high level of pedestrian access, connectivity and laid out so as to minimise noise pollution;
 - iii) Preservation and enhancement: where possible development should reflect the character of the locality but avoid the inappropriate replication of neighbouring architectural styles. The designer is encouraged to display creativity and innovation in design;
 - iv) Scale and form of development: new development should appropriately reflect the scale of adjacent townscape. Care should be taken to avoid over-scaled development;
 - v) Materials and detailing: high quality, durable and preferably renewable materials should be used to complement the site context. Detailing should be incorporated as an integral part of the design at an early stage;
 - vi) Sustainability: new development should be inherently robust, energy and water efficient, flood resilient and adaptable, thereby facilitating the flexible re-use of the building. Where existing buildings are present, imaginative and sensitive solutions should be sought to achieve the re-use of the buildings.

4. CONSULTATIONS

- 4.1 CAERLEON CIVIC SOCIETY (CCS): No comments received.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF CITY SERVICES (HIGHWAYS): No comments received.
- 5.2 HEAD OF CITY SERVICES (TREES): No objection.
- 5.3 CHIEF EDUCATION OFFICER: No comments received.
- 5.4 HEAD OF CITY SERVICES (ECOLOGY): It's a real shame that they insist on removing the hedge, it will serve many functions in addition to benefits for ecology, not least filtering air pollutants which near to a school should be top priority. Nonetheless, if they provide replacement hedgerow planting I have no objection to the scheme, and I recommend that translocation of the existing hedge is considered as it may speed up establishment. I would be happy for this information to be conditioned.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties with a common boundary and opposite the application site were consulted (43no properties) and no comments have been received.

7. ASSESSMENT

- 7.1 The proposal seeks to erect 2.4m high weld mesh fencing powder coated green (RAL 6055). The replacement fencing will run along the front (north), side (east), and part of the rear (south) of the site for a length of 57m. The replacement fencing will link into the existing fencing that is to remain at the south and west of the site. There will also be new vehicular and pedestrian gates inserted into the fencing at the front of the school off Hadrian Close. The vehicular gate will measure a height of 2.4m and width of 4m, and the pedestrian gate

a height of 2.4m and width of 1.8m. The existing fencing is of a pedestrian guardrail design and measures a height of 1m and runs for a length of 57m.

- 7.2 There are a number of properties of which the rear gardens back onto the east of the site. Whilst these are in reasonably close proximity (3m) to the location of the replacement fencing, there is existing fencing to the rear of the properties and extensive vegetation which acts as screening. To the front of the site, there are residential properties located at least 15m away. The south of the site backs onto Caerleon Lodge Primary School. The fencing will only be partially visible from the public highway, with the majority of fencing being within the site. Both the fence style and height would alter. The fencing will increase from a height of 1m to 2.4m. As the school is currently closed, they have experienced a number of issues such as anti-social behaviour and vandalism. As such, it is considered that increasing the height of the fence to 2.4m will assist in preventing such unwanted activity. Despite the increase in height of the fencing, it is considered that by reasons of its design, scale and location, the proposed fencing is not considered to have a detrimental impact on residential amenity. It is considered that the proposed fencing would provide a safe and secure boundary treatment for the school, and it is not considered that the fencing would have a harmful impact on the appearance of the school and the wider streetscene. Fencing is a common feature at schools. The proposed fencing is considered a suitably designed security measure that will result in both a visual and security improvement. Therefore, it is considered that the proposed development is in accordance with policies GP2 and GP6.
- 7.3 There is a hedge located along the front boundary of the site. The proposal consists of the removal of this hedge in order for the fencing to be erected. The Council's Ecology Officer has been consulted on this and whilst it is not preferable that the hedge is removed, there is no objection providing that replacement hedgerow planning is proposed. As such, a condition will be attached to any consent requesting that a hedgerow replacement plan must be submitted and approved by the local planning authority prior to any development or vegetation clearance taking place.
- 7.4 There are a number of trees on site, whilst none are to be removed, they are in close proximity to the fencing. As such, the applicant has employed an arborist to undertake a survey in order to review the potential impact upon trees in regard to the proposed installation of replacement fencing. A tree constraints plan and technical advice note have subsequently been submitted. The findings have suggested that the proposed fencing will conflict with the root protection area of many trees, hedges and groups providing a constraint along its full length. In order to minimise the potential damage to tree roots, the arborist has suggested the following protection measures; appoint a project arborist to supervise the works, offset the fence line or if not achievable the post location to avoid mechanical effective rooting radius and operational requirements 1-11 as detailed in the technical advice note that must be adhered to when working in the root protection area of trees and hedges. The Council's Tree Officer has been consulted on the application and has no objection to the application, however, the exact siting will need to be overseen on site by a bona fide Tree Consultant and in association with the information submitted by Steve Ambler July 2019.

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

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

9. CONCLUSION

9.1 The proposed development by reasons of its scale, location and design would satisfy policies GP2, GP5 and GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Site Plan 002, Fence Panel Drawing 001, Proposed Fencing and Gates 003, Detailed Drawing 000, Proposed Fencing and Gates 005, Fencing East Elevation 004, Technical Advice Note at Lodge Hill Infants School July 2019 and Tree Constraints Plan SAAC.19.023.

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

02 No existing trees shall be felled, topped or lopped unless otherwise agreed in writing by the Local Planning Authority. Any trees removed will be replaced on a 2:1 basis and details will be included of the species, size and location. The works shall be undertaken in accordance with the approved details.

Reason: To protect existing landscape features on 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 -

- Overseeing work within any Root Protection Area;
- Reporting to the Local Planning Authority;
- 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 No development or vegetation clearance shall take place until a Hedgerow Replacement Plan has been submitted to and approved in writing by the LPA. The plan shall include planting plans (noting species, sizes, numbers and densities), means of protection, and future management to ensure successful establishment of the hedge.

Reason: To safeguard priority habitats in accordance with Policy GP5 and the Environment (Wales) Act 2016.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan, Site Plan 002, Fence Panel Drawing 001, Proposed Fencing and Gates 003, Detailed Drawing 000, Proposed Fencing and Gates 005, Fencing East Elevation 004, Technical Advice Note at Lodge Hill Infants School July 2019 and Tree Constraints Plan SAAC.19.023.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP5 and GP6 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: 19/0879 **Ward:** *ROGERSTONE*

Type: FULL (MAJOR)

Expiry Date: 04-NOV-2019

Applicant: *TINY REBEL BREWERY*

Site: *TINY REBEL BREWERY, ROAD A, WERN INDUSTRIAL ESTATE, NEWPORT, NP10 9FQ*

Proposal: *CONSTRUCTION OF DISTRIBUTION WAREHOUSE WITH OFFICES AND ANCILLARY ACCOMMODATION AND ASSOCIATED WORKS*

Recommendation: **GRANTED WITH CONDITIONS**

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the development of the site for a distribution warehouse with ancillary offices and accommodation, ancillary parking and lorry loading area. The unit will be used in association with the Tiny Rebel brewery which is sited to the north east of the site.
- 1.2 The site relates to a unit on the Wern industrial site. The site was previously occupied by the former Lyte works and has been substantially cleared.

2. RELEVANT SITE HISTORY

98/0089	EXTENSION TO FACTORY PRODUCTION AREA	Granted with conditions
03/1515	PROVISION OF 14NO. ADDITIONAL CAR PARKING SPACES	Granted
18/0039	PRIOR NOTIFICATION OF PROPOSED DEMOLITION OF PART OF BUILDING	Prior approval not required

3. POLICY CONTEXT

- 3.1 The policy context is set out in the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

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

Policy GP2 highlights that “development will be permitted where, as applicable:

- i) there will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;
- ii) the proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;
- iii) the proposal seeks to design out the opportunity for crime and anti-social behaviour;
- iv) the proposal promotes inclusive design both for the built development and access within and around the development;
- v) adequate amenity for future occupiers.”

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

Policy GP5 which seeks to protect the natural environment, including trees,
Policy GP6 which seeks a good quality of design in all development.

Policy GP4 highlights that “development proposals should:

- i) provide appropriate access for pedestrians, cyclists and public transport in accordance with national guidance;
- ii) be accessible by a choice of means of transport;
- iii) be designed to avoid or reduce transport severance, noise and air pollution;
- iv) make adequate provision for car parking and cycle storage;
- v) provide suitable and safe access arrangements;
- vi) design and build new roads within private development in accordance with the highway authority’s design guide and relevant national guidance;
- vii) ensure that development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network.

Policy T4 development will be required to provide the appropriate level of parking. In accordance with adopted parking standards.

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 DWR CYMRU – WELSH WATER: Capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. In terms of surface water the proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, and is strongly recommended that the developer engage in pre-application consultation with the Local Authority, as the relevant SuDS Approval Body (SAB). The developer must contact us if a sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken. They may also to establish the location and status of the apparatus that may be within the site.

4.2 WALES AND WEST UTILITIES: details of apparatus in the area.

4.3 FIRE OFFICER: 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): Calculated the parking requirements, and whilst considered that there was a shortfall, the fall back has no off street parking the proposed off street parking provides significant improvement over the existing. Therefore, would not oppose this application.

5.2 PLANNING POLICY MANAGER: The application site is within the urban boundary and within an existing industrial estate opposite its successful Brewery and Bar. There are no planning policy land constraints and therefore its location is completely appropriate.

The proposal would be classified as economic development and is therefore supported.

Highways will provide more information on the road safety elements and the level of parking proposed, but it is noted that the development does not propose to provide any ULEV charging points. PPW 10 notes that 'where parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have ULEV charging points'.

5.3 HEAD OF LEGAL AND REGULATION (PUBLIC PROTECTION): No objection subject to conditions requiring submission of a CEMP, hours of operation and delivery, submission of

noise assessment for any B2 element, details of lighting, details of waste and advisory note about construction hours.

- 5.4 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY OFFICER): No objection on the basis that a condition is attached requiring approval of a scheme of Ecological Enhancement.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties within 50m with a common boundary with the application site were consulted (13 properties), a site notice displayed and a press notice published in South Wales Argus. One letter of response as follows:

- Smell. Since the brewery opened residents have been subjected to a terrible smell from the brewing process (the vast majority of the time the wind direction comes across the valley from the Rhiwderin side and therefore blows any smell from the brewery in the direction of Bethesda Rise), however currently this is manageable as it only lasts for around an hour once a day. What I would like to understand from Tiny Rebel is a) What part of the process causes this smell? and b) if this development is approved how many times per day / week and for how long each time would this process be happening?

-Noise. This isn't specific to Tiny Rebel, but we currently get a lot of noise from the Wern Industrial estate. This includes Tiny Rebel (loud music, fireworks etc) but also lorries delivering / collecting from both Tiny Rebel and the bakery next door. As with my question above, I'd like to understand if this development is approved exactly what frequency / item of day there would be lorries accessing the site and their plans to minimise the noise (again bearing in mind the way the wind direction causes noise to travel)

7. ASSESSMENT

- 7.1 The application site is located within the Wern Industrial Estate, it is bounded by vehicular access to the estate on its north eastern boundary and industrial units border the other boundaries. The site is currently vacant as the former Lyte works have closed and the buildings have been removed from the site. The proposed building would sit opposite the Tiny Rebel Brewery. The site falls away from Estate Road A and the proposed building would be set back some 22m from the Estate Road. Car parking is proposed at the front of the site which would be accessed by a newly created vehicular access point. The servicing would be on the western side of the site utilising an existing site access. The plans show a link to the Tiny Rebel site. A gantry structure is indicated on the front section of the car park. It would be a free standing structure some 36m in width and 2.8m in height. There would be gaps in the structure to allow for vehicular access and a pedestrian access. In between these gaps the gantry would incorporate the "Tiny Rebel" signage. It is considered that this would constitute an advert and would require advertisement consent and does not form part of the consideration of this application.

- 7.2 As background information the applicant has stated that having secured planning permission for the comprehensive redevelopment of the site opposite, to provide a new brewery together with ancillary offices and a brewery bar, Tiny Rebel took occupation of the premises in expectation that it would serve their needs for at least ten years. The brand has seen further international success and an exponential increase in demand for their products, with the result that Tiny Rebel have exceeded the capacity of their new brewery within 12 months of taking occupation. Whilst this was fantastic news for both Tiny Rebel Brewery, its employees and the City of Newport, it provided Tiny Rebel with considerable operational headaches with regard to their existing premises. In 2018 therefore Tiny Rebel purchased the vacant premises opposite (the former Lyte Building). The existing buildings were not fit for purpose in the long run however were initially utilised as ancillary accommodation on a temporary basis whilst firm proposals for the site were developed. This application seeks to redevelop the site to provide modern, purpose-built storage and distribution facilities and office accommodation. This will relieve some immediate pressure on the existing brewery facility, where storage and distribution requirements compete with

brewery operations, and accommodate the growth aspirations of Tiny Rebel, including the creation of an additional 40 new jobs in the short-term.

- 7.3 The scale of the proposed building is comparable to the former industrial building. It would have a footprint of some 52m in depth, 50m in width and a maximum site height of 14m. The primary elevation would front the estate road. The office and ancillary accommodation would be sited within the front section of the building towards its north western section. The storage area would occupy the rear of the building.
- 7.4 The site sits lower than the estate road. Within the lower ground floor there would be a specialist brewing area to the eastern corner, plant room, changing room, toilets, packing and dispatch office in the western corner, the central section would comprise the dry store and the cold store would occupy the rear section of the unit. Two loading bays are proposed within the rear section of the western elevation which would sit below a projecting canopy. The service yard would lie adjacent to this section of the building. An external condenser compound would sit adjacent to the western section of the building and a cold chiller compound to its rear.
- 7.5 The ground floor portion of the building would sit at the height of the proposed car park. The car parking area slopes slightly down from the estate road towards the proposed building and the ground will be built up to provide a level car park area. A retaining wall is proposed on the part of the western section and the rear section of the car park. The retaining wall would then continue for a small distance adjacent to the eastern portion of the proposed building. Level pedestrian access is proposed from the car park, it would cross the void area between the retaining wall and the building into a reception area. The remainder of the ground floor accommodation would comprise chill out area, viewing balcony which would overlook the brewing area and a staff break out area. The first floor accommodation would comprise toilets meeting rooms and a large open plan office. The front section of the office area projects forward of the building by some 3.6m with a proposed width of 12m. The second floor comprises an internal viewing balcony, open plan area and further toilets and a conference area. An open terraced area is proposed above the projecting office space proposed within the first floor and within the western section of this floor space.
- 7.6 The policy context has been set out on the previous section. As stated the site is located within the urban area and the site of a former industrial unit used for the manufacture of aluminium ladders. The principle of a further industrial use is wholly appropriate. The applicant has stated that the proposal would generate 40 jobs. The main issues are impact upon amenity, design and highways .
- 7.7 In terms of amenity the site is located within an industrial area adjacent to industrial units. The nearest residential properties are sited over 135m away from the boundary with the application site. The site has lawful use as an B1,B2 and B8 use and the proposal does not entail anything different. The comments of a neighbour are noted and it is acknowledged that these relate to the existing brewery with regard to odours from the existing brewery and the brewing process. The neighbour queried how often this is likely to occur if the current proposal is approved. The neighbour also raised issues with regard to noise from lorries within the estate. As stated the site is located within an industrial estate on a site with lawful industrial uses which are unrestricted. The applicant has confirmed that whilst a small area of floorspace is proposed for specialist brewing, this is internal to the building and unlikely that it would give rise to any smell. It is expected that there would only be circa 4/5 HGV movements a day associated with the use, which would all be within reasonable operating hours (8am-6pm).
- 7.8 The Public Protection Manager has not raised objections to the proposal and have suggested that a series of conditions be imposed. They have suggested that with regard to any B2 use, a noise assessment be undertaken in respect of the noise omitted from the manufacturing process , any plant or loading and unloading. It should be noted that the application proposes the development of the site for a distribution warehouse, offices and ancillary uses which would replace a previous, unrestricted, manufacturing use on the site.

The proposed development would therefore represent a significant betterment in respect of potential noise impact when compared with the previous use of the land. The only aspect of the scheme with any manufacturing bent is the proposed small area of floorspace is proposed for specialist brewing. This is internal to the building and would not represent a noise generating use in its own right. The only external plant associated with this (and indeed the building as a whole) would be air conditioning. Given the distance between the site and residential properties there would be no noise impact upon these properties. This seems entirely reasonable and a condition requiring details of the external plant (including noise level) would be appropriate. Condition in relation to details of waste disposal or any lighting are considered to be reasonable.

- 7.9 In terms of policy GP6 and design, the proposed unit is consistent with the scale of industrial units in the immediate vicinity and what was previously located on the site. It comprises a dual pitched industrial unit with a parapet encompassing the roof area at the front section of the building extending a depth of some 18m down the side of the building. The architecture is simple and contemporary with a mix of materials. It is proposed that the walls would be a kingspan dri design tapered cladding, a kingspan quadcore roof. Any windows would be of a curtain wall clear glazing, pre powder coated doors and shutters. A brick plinth and the carpark surfacing would be interlocking black paviours. As previously stated the primary elevation faces the existing brewery. It is proposed that this portion of the building would be faced with a pre powder coated metal cladding system, interspersed with back light panels. The portion of the building where the office and ancillary accommodation is proposed would be predominantly finished with curtain wall glazed panels. It is considered that the palette of materials represents appropriate materials within this established industrial estate and the front section would integrate the development with the brewery opposite. It is considered that the proposal would comply with policy GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). In terms of SP1 sustainability, the applicant has confirmed that methods of construction would be sustainable utilising high energy performing building materials and minimising waste. The proposed aluminium cladding system is fully recyclable. The applicant has also confirmed that a condition with regard to details of vehicle charging points is acceptable.
- 7.10 In terms of highways, the site is located within parking zone 4. The applicant proposes to provide a car park with 45 spaces including 3 disabled spaces. A service area is proposed to the western side of the building. The proposed development would include 2,217sq.m of B8 floorspace, and 1,024sq.m of B1 floorspace. Based upon the Council's adopted Parking Standards SPG, (Distribution Centres (> 1000sq.m): 1 space per 120sq.m: 18.4 spaces rounded up to 19 spaces, Offices (>1000sq.m): 1 space per 40sq.m: 25.6 spaces rounded up to 26) the total parking requirements of the development would be 554.25sq.m of operational parking area, together with 45 non-operational parking spaces. The development would provide in excess of the operational parking area requirement, and would provide a total of 45 dedicated parking spaces (including 3 disabled bays).
- 7.11 The applicant has stated that it should also be noted that the proposed distribution warehouse will replace a former industrial building of comparable scale on the same site. The former industrial building offered no dedicated parking and opportunities for informal parking on site were severely restricted in comparison with the proposed development. The proposed development would give rise to considerable betterment in respect of parking. The Head of City Services is satisfied with the parking and servicing arrangements on the site and has raised no objections. The site is located within an urban area close to a bus stop on Chartist Drive which links to the Rogerstone Train Station 1km away. The site is fairly well served by public transport therefore. It is also within 700m of the cycle route which runs along the Monmouthshire and Brecon Canal. It is considered that the proposal complies with GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).
- 7.12 In terms of Ecology, the Ecology officer has raised queries with regard to trees and any schemes for biodiversity enhancement. The site was the subject of a prior approval for demolition and has been cleared of buildings and vegetation, it was deemed unlikely that there were roosts for bats within the building when this application was considered. The trees have been removed from the site and were not the subject of any preservation orders.

Planning Policy Wales (PPW) 10 sets out that “planning authorities must seek to maintain and enhance biodiversity. The applicant has stated that a condition agreeing approval of a scheme of ecological enhancement would be acceptable.

- 7.13 In terms of drainage the applicant has confirmed that the any foul drainage would go to the main sewer. Welsh water has stated that there is capacity to receive domestic foul from the development site. In terms of surface water drainage the development require approval of Sustainable Drainage Systems (SuDS). A note to this effect is suggested. The developer has submitted a drainage strategy statement and has confirmed that a separate (SuDS) application is being prepared. The Councils drainage officer has not commented on the scheme to date.
- 7.14 The site is located within the urban area and in a well-established industrial area. The applicant has submitted a report with information about the various on site utilities. As such, it is considered that the site would be supported by other essential utilities and infrastructure to facilitate the proposed development. Wales and West Utilities has no objections to the proposal subject to informative notes.

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 *Newport’s Well-Being Plan 2018-23*

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

off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

9. CONCLUSION

9.1 The Wern estate have seen a number of closures recently including the former occupants of this site. The proposed redevelopment of this site and the employment opportunities that this brings are welcomed. The proposed use and character of the building are entirely appropriate for this industrial area and it is recommended that consent be granted subject to conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents 18118(05)105B, 106B,107B,108B,109B,110A,11B,112B and 113B

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

Pre- commencement conditions

02 Prior to the commencement of development 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.

03 No development (excluding demolition and ground works) shall commence until a Scheme has been submitted to and approved in writing by the Local Planning Authority showing at least 5 car parking spaces associated with the approved development being fitted with Ultra Low Emission Vehicle charging points. The approved charging points shall be fitted and made operational prior to the first beneficial occupation of the development hereby approved. The charging points shall then be retained in that state in perpetuity.

Reason: In the interests of sustainability – Policies SP1 and GP4 of Newport Local Development Plan and Planning Policy Wales (Edition 10)

04 No development (excluding demolition and ground works) shall commence until a landscaping and tree planting scheme indicating the number, species, heights on planting and positions of all trees and shrubs scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

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

Pre occupation conditions

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

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

06 Prior to first beneficial use of the building hereby approved, details of any external lighting shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first beneficial use and thereafter maintained for the duration of the use.

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

07 Prior to first beneficial use of the building hereby approved, details of any boundary treatment shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to first beneficial use and thereafter maintained for the duration of the use.

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

08 The parking and loading spaces shown on drawing 18118(05) 106A shall be implemented and demarcated on the ground prior to the beneficial occupation of the development hereby approved. The spaces shall then be retained in accordance with the approved drawing and kept available for parking and loading purposes thereafter in perpetuity.

Reason: To ensure adequate parking and loading facilities are provided on site in the interests of highway safety - Policies GP4 and T4.

09 Prior to first beneficial use, details of the sound power output [in dB(A)] and octave band levels of the plant and the exact location of the plant shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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

10 The development hereby approved shall not be brought into beneficial use until a scheme ecological enhancement of the site, to include details of ecological enhancement measures together with a programme for their implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of ecological enhancement of the site.

11 Prior to the provision of the specialist brewing area, full details of its operation including details of any associated plant and extract equipment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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

General conditions

12 There shall be no arrival, departure, loading or unloading of vehicles between the hours of 18:00 and 08:00 on any day.

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

NOTE TO APPLICANT

01 This decision relates to plan Nos: utility Infrastructure report, drainage strategy Design and Access Statement

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, GP1, GP2, GP3, GP4, GP5, GP6, GP7, T4, and W3 were relevant to the determination of this application. Also relevant were Planning Policy Wales (Edition 10) and Supplementary Planning Guidance documents: Parking Standards; 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 All new developments with a construction area of 100 square metres or more must have an approved sustainable drainage system (SuDS) to manage on-site surface water. Surface water drainage systems must be designed and built following mandatory standards published by Welsh Government and must be approved by the council's Sustainable Drainage Approving Body (SAB) before work starts.

06 The gantry structure shown on plan number 1811 (05)112 does not form part of this application and requires advertisement consent.

APPLICATION DETAILS

No: 19/0894 **Ward:** MARSHFIELD

Type: FULL

Expiry Date: 30-OCT-2019

Applicant: MR & MRS WHITE

Site: 29, MARSHFIELD ROAD, CARDIFF, CF3 2UW

Proposal: TWO STOREY EXTENSION WITH ROOF ALTERATIONS TO PROVIDE ATTIC ROOMS, ALTERATIONS TO DRIVE AND ERECTION OF DETACHED GARAGE

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the construction of a two storey rear extension, raising the height of the roof, the creation of three dormer windows, alterations to the drive and the construction of a detached garage in the rear garden.
- 1.2 The application building is known as 29 Marshfield Road and it is a detached dwelling.
- 1.3 The application has been reported to Planning Committee as the applicant is related to a local councillor.

2. RELEVANT SITE HISTORY

89/0572	TWO STOREY SIDE EXTENSION TO PROVIDE ADDITIONAL LIVING ACCOMMODATION	Granted with conditions
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3. POLICY CONTEXT**3.1 Newport Local Development Plan 2011-2026 (adopted January 2015)**

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

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

4. CONSULTATIONS

- 4.1 None.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF CITY SERVICES (HIGHWAYS): No objection. The proposal will not increase the parking demand. The applicant also proposes to increase the off street parking provision at the property, which is acceptable.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties sharing a common boundary with the application site were consulted (2 properties). One representation was received raising the following concerns:

- The increased roof height will result in a loss of sunlight/daylight to 29c Marshfield Road, particularly in the garden during the afternoon and evening as the sun passes over the roof of the current dwelling.
- The garden of 29c Marshfield Road will be overlooked by seven bedroom windows and a velux window, compared to just one existing bedroom window. The proposed development will result in a material loss of privacy.
- The proposed development will have 7 bedrooms rather than the current 4 bedrooms and, as a result, there is the potential for an increased number of occupants. Concerns regarding additional noise including additional vehicles (which will access the proposed development via a private, unadopted highway which we have a legal obligation to contribute towards the maintenance of).
- Concerns regarding the noise and dust that may arise during the construction period. We have a baby whose room is directly adjacent to the proposed works and so we are concerned as to how the potential noise may affect his ability to sleep during daytime naps and in the evening. We request that such disturbance is acknowledged and mitigated via any planning conditions including reference to relevant statutory provisions (e.g. the Control of Pollution Act and the Environmental Protection Act).

6.2 MARSHFIELD COMMUNITY COUNCIL: No comments.

7. ASSESSMENT

- 7.1 The application property is a detached dwelling which is accessed via a private road. It is a substantial four bedroom dwelling, located on the edge of the Marshfield village boundary. To the south east and south west are the residential properties known as 29b and 29c Marshfield Road.
- 7.2 The dwelling has an existing two storey flat roof extension to the rear. It is proposed to continue this extension across the entire rear elevation and increase the overall roof height of the dwelling to provide a pitched roof incorporating the extension. The existing dwelling is 6.6m to the ridge and it is proposed to increase the height by 1.9m. The proposed height to the ridge would be 8.5m. The proposed extension would measure 8m in width and would be 3.7m in depth. The extension would provide a living room on the ground floor and the first floor would be reconfigured to incorporate a third bedroom in the extension. In the roof space it is proposed to provide two additional bedrooms and construct three small dormer windows and a roof light in the rear elevation to serve those rooms.
- 7.3 The dwelling has a single storey extension on the south east elevation. It is proposed to remove the front and rear walls to create a car port. It is also proposed to construct a single garage in the rear garden. Access to the garage would be via the car port. The garage would measure 7.8m in length and 4.04m in width. It would have a pitched roof with a maximum height of 3.6m. The extensions and garage would be finished in yellow painted render, with a red facing brickwork plinth to match the existing house, grey concrete roof tiles, brown uPVC windows and rainwater goods and brown aluminium bi-folding doors.
- 7.4 Policies GP2 (General Amenity) and GP6 (Quality of Design) of the Newport Local Development Plan 2011-2026 are relevant to the determination of this application. The House Extension and Domestic Outbuildings Supplementary Planning Guidance is also relevant to this application.
- 7.5 In terms of the impact on neighbouring residential amenity, the nearest residential properties are 29b and 29c Marshfield Road. 29b is located in front of the application site and as such the proposed extensions, which are to the rear would not have any impact on this property. It is considered that raising of the roof height would not materially affect the neighbouring property, given the orientation of the buildings and the separation distance of around 10m.
- 7.6 No. 29c Marshfield Road is located to the south east of the application site and is around 6.5m from the main portion of the dwelling. No. 29c is positioned further back from the application dwelling, such that a large proportion of no. 29c aligns with the rear garden of the application site. The property has a single garage within the rear garden and the dwelling is currently higher than the application dwelling. With the proposed increase in the roof height the application dwelling would be 200mm higher than no. 29c. Given that no. 29c is positioned further back from the application building and given the minimal increase in roof

height above that of no. 29c it is considered that the proposed roof works would not result in an overbearing impact on the neighbouring property. The neighbouring occupiers of no. 29c have raised concerns that the increase in roof height would result in a loss of sunlight/daylight to their rear garden however, given its distance and relationship with the application building it is considered that there would not be a harmful impact.

- 7.7 The proposed two storey extension would be located on the other side of the existing extension and would not extend any closer to the neighbouring property than the existing extension. It is not considered to result in any harmful impacts on the neighbouring property in terms of loss of light or overbearing impact.
- 7.8 The occupiers of 29c Marshfield Road are concerned that the proposed extension, dormer windows and roof light would result in a loss of privacy. None of the proposed windows would face directly towards the neighbouring property and any views would be limited and at an oblique angle. This arrangement of rear dormer windows currently exists on the concerned neighbour's property. Furthermore there is a garage set within the rear garden of the neighbouring property which would screen the majority of those limited views. It is not considered that there would be any significant loss of privacy. A condition is recommended to ensure that no additional openings are created in the side elevation facing towards the neighbouring property.
- 7.9 The proposed garage would be positioned adjacent to the neighbouring garage and as a result it is not considered to result in any harmful impacts on the neighbouring property.
- 7.10 Concern is raised that the creation of three additional bedrooms would result in an increase in the number of occupiers, leading to an increase in noise and additional vehicles. The planning system does not seek to control occupants of a single dwelling where they reside together as a family unit. It would be unreasonable to resist development on this basis.
- 7.11 The Head of City Services (Highways) has no objection to the proposed development as it would not increase the parking demand and it is proposed to increase the off street parking provision at the property through the provision of a garage.
- 7.12 Concern is raised that the construction works would result in noise and disturbance. As acknowledged by the neighbour there are controls of any nuisance generated through construction through the Control of Pollution Act 1974. An informative is added to alert the applicant to recommend working hours.
- 7.13 The application site is located within the Marshfield Village boundary however, there would be public views of the rear of the building from the Green Wedge and Special Landscape Area. Notwithstanding this, the design of the proposed extensions are not considered to be visually harmful given the backdrop of neighbouring buildings of a similar scale and design. In particular the application building is read along side the neighbouring property no. 29C Marshfield Road which would be of a similar height and with rear dormer windows. The design of the proposed extension is considered to be acceptable.

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

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

9. CONCLUSION

9.1 The proposed development is considered to be acceptable and in accordance with policies GP2 and GP6; and the House Extensions and Domestic Outbuildings SPG. The proposed development is not considered to result in a harmful impact on residential or visual amenity. It is recommended that planning permission is granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: 277/1/1, 277/1/2 and 277/1/3.

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

General conditions

02 The external surfaces of the extensions and garage hereby permitted shall only be of materials to match those of the existing building.

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

03 No window or door openings (other than those shown on the approved plan) shall be formed in the south east facing elevation of the extension hereby approved without the prior written permission of the Local Planning Authority.

Reason: To protect the privacy and any perceived overlooking of adjoining residents.

04 The hardstanding area(s) hereby approved shall be constructed of porous/permeable materials or provide a direct run-off for surface water to a porous or permeable area within the curtilage of the dwellinghouse and shall be retained as such thereafter in perpetuity.

Reason: To ensure adequate drainage of surface water.

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.

03 To protect the amenities of existing residents, the following recommendation with regards to construction times should be attached to any permission to draw attention to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities -

(i) no construction work involving piling shall be carried out on the site other than between the hours of 08.00 and 17.00 Mondays to Fridays and no construction work involving piling shall be carried out on Saturdays, Sundays or Bank Holidays, where it would create noise audible at the boundary of any residential property.

(ii) Any construction work which does not involve piling shall not be carried out other than between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays, where it would create noise audible at the boundary of any residential property.

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

Mae'r dudalen hon yn wag yn

Report

Planning Committee

Part 1

Date: 6th November 2019

Item No: Insert item number here

Subject **Appeal Decisions**

Purpose To inform Members of the outcome of recent appeals

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

Wards Always, Beechwood, Liswerry, Llanwern,

Summary The following planning appeal decisions are reported to help inform future decisions of Planning Committee

Proposal **To accept the appeal decisions as a basis for informing future decisions of the Planning Committee.**

Action by Planning Committee

Timetable Not applicable

This report was prepared without consultation because it is to inform Planning Committee of appeal decisions already taken.

Background

The reports contained in this schedule provide information on recent appeal decisions.

The purpose of the attached reports is to inform future decision-making. This will help ensure that future decisions 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.

The applicant has a statutory right of appeal against the refusal of permission in most cases. There is no Third Party right of appeal against a decision.

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 defending decisions at appeal is met by existing budgets. 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

The key risk relating to appeal decisions relates to awards of costs against the Council.

An appeal can be lodged by the applicant if planning permission is refused, or if planning permission is granted but conditions are imposed, or against the Council's decision to take formal enforcement action. 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.

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 can be very significant. These are infrequent, so the impact is considered to be medium.

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

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

Not applicable. This report is to inform Planning Committee of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Options Available

To accept the appeal decisions as a basis for informing future decisions of the Planning Committee.

Preferred Option and Why

To accept the appeal decisions as a basis for informing future decisions of the Planning Committee.

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 or enforcement action.

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

There are no legal implications other than those referred to in the report or detailed above.

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

Not applicable. This report is to inform Planning Committee of decisions made by the Planning Inspectorate and/or Welsh Ministers.

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

Not applicable. This report is to inform Planning Committee of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Consultation

Not applicable. This report is to inform Planning Committee of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Background Papers

Not applicable

Dated: 6th November 2019

Planning Application Appeal

Reference	19/0303
Address	13 Beaufort Road, Newport, NP19 7NP
Development	Retention of front and side boundary wall
Appellant	Mrs Carly Munro
Officer Recommendation	Refuse
Committee Decision	Refused
Appeal Decision	Allowed

Planning Application Appeal

Reference	19/0486
Address	372 Chepstow Road, Newport, NP19 8JH
Development	Removal of condition 4 (restriction of opening hours) of planning permission 17/0606 for use of property for retail (A1) or a gym (D2)
Appellant	Mr Jag Gill
Officer Recommendation	Approve
Committee Decision	Refused
Appeal Decision	Dismissed

Planning Application Appeal

Reference	19/0544
Address	Harlech Retail Park, Cardiff Road, Newport, NP20 2BA
Development	Erection of digital advertising display
Appellant	Insite Poster Properties Ltd
Delegated Decision	Refuse
Committee Decision	N/A
Appeal Decision	Dismissed

Planning Application Appeal

Reference	18/0980
Address	27 Penylan Close, Newport, NP10 8NW
Development	Demolition of existing garage and construction of 2no. dwellings and associated parking
Appellant	P & K Treasure and Leader
Officer Recommendation	Approve
Committee Decision	Refused
Appeal Decision	Dismissed

Planning Application Appeal

Reference	18/1117
Address	Baneswell Community Centre, Beaufort Terrace, West Street, Newport NP20 4DH
Development	Conversion of community centre and nursery to create 19no. apartments, including the creation of new openings and a new built house in multiple occupation with a lean-to bin store.
Appellant	Baneswell Ltd
Officer Recommendation	Approve
Committee Decision	Refuse
Appeal Decision	Allowed with costs awarded

Enforcement Appeal

Reference	E17/0430
Address	Bramlea, Broad Street Common, Nash, Newport NP19 2AZ
Development	Material change if use of the land to a domestic use, including the erection of domestic paraphernalia, creation of a tarmac track and an area of hardstanding
Requirements of Notice	1. Cease the use of the land for domestic purposes; 2. Remove all domestic paraphernalia including the patio, outbuildings, swimming pool and associated roofing structure, basketball court and associated netting and the vehicular parking area from the land; 3. Remove the hardstanding and the track from the Lan in its entirety; and 4. Remove all resultant debris from the land.
Appellant	Mrs Mandy Griffiths
Delegated Decision	Issue Enforcement Notice
Committee Decision	N/A
Appeal Decision	Dismissed

Enforcement Appeal

Reference	E19/0289
Address	Land at 4 Greenmeadow Avenue, Newport, NP19 4LR
Development	Unightly condition of land
Requirements of Notice	1. Remove all vehicles and trailers from the land; 2. Remove all materials and equipment from the land in their entirety; and 3. Remove the heras fencing and tarpaulin from the land in their entirety.
Appellant	Mr Roger Amos
Delegated Decision	Issue Enforcement Notice
Committee Decision	N/A
Appeal Decision	Dismissed
