

Agenda

Pwyllgor Cynllunio

Date: Dydd Mercher, 5 Ionawr 2022

Time: 10.00 am

Venue: Siambr y Cyngor, Canolfan Ddinesig

To: Councillors J Richards (Cadeirydd), J Guy (Dirprwy Gadeirydd), J Clarke, T Watkins, R White, C Ferris, J Jordan, M Spencer, L Lacey, Y Forsey and J Jones

Item	Wards Affected
1. Ymddiheuriadau dros Absenoldeb F_PR	
2. Datganiadau o ddiddordeb F_PR	
3. Cofnodion y cyfarfod a gynhaliwyd ar Rhagfyr 2021 F_PR	
4. Rheoli Datblygu Amserlen Ceisiadau Cynllunio F_PR	
5. Penderfyniadau Apêl F_PR	
6. Webcast of Committee F_PR Planning Committee, 5 January 2022 - YouTube	

Contact: Taylor Strange, Swyddog Llywodraethu

Tel: 01633 656656

E-mail: democratic.services@newport.gov.uk

Date of Issue: Dydd Mercher, 29 Rhagfyr 2021

All meeting recordings can be found [here](#).

Mae'r dudalen hon yn wag yn



Draft Minutes

Planning Committee

Date: 1 December 2021

Time: 10.00 am

Present: Councillors J Richards (Chair), J. Guy, C. Ferris, T Watkins, J Jordan, L. Lacey, Y. Forsey, J. Jones and M. Spencer.

In Attendance: Matthew Sharp (Acting Development Services Manager), Joanne Davidson (East Area Development Manager), Stephen Williams (West Area Development Manager), Joanne Evans (Senior Solicitor- Planning & Land), Alun Lowe (Planning Contributions Manager), Matthew McEwan (Senior Traffic Transport & Development Officer), Gail Parkhouse (Senior Planning Officer), Natalie Thompson (Housing Needs Manager), Michelle Aspey (Housing Manager Strategy)
Councillor Miqdad Al- Nuaimi and Councillor Kate Thomas
Pamela Tasker (Governance Support Officer), Felicity Collins (Governance Support Officer)

Apologies: Councillor J. Clarke and Councillor R. White

1. **Declarations of Interest**

Councillor Jordan declared a prejudicial interest in application 21/0896 and left the meeting. Councillor J. Richards (Chair) declared a prejudicial interest in application 21/0882 and left the meeting.

2. **Minutes of the meeting held on 3 November 2021**

The minutes of the meeting held on 3 November 2021 were submitted.

Resolved

That the minutes of the meeting held on 3 November 2021 be taken as read and confirmed,

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

(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.

The meeting terminated at 12:53pm

Mae'r dudalen hon yn wag yn

Draft Appendix A
 PLANNING COMMITTEE – 01 12 2021
 DECISION SCHEDULE

No	Site/Proposal	Ward	Additional Comments	Decision
Tudalen 5	<p>20/1038</p> <p>Site: Car Park, Hill Street, Newport, South Wales</p> <p>Proposal: Completion of 12no. self-contained residential apartments (use class C3) with solar panels, associated access, parking and landscaping</p> <p>Recommendation: Granted with conditions</p>	<p>Stow Hill</p>	<p>This item is being presented to Committee as it relates to Council owned land and is a major planning application.</p> <p>Councillor Miqdad Al-Nuaimi and Councillor Kate Thomas spoke as Ward Members.</p> <p>Cllr Al-Nuaimi stated that his representation was not noted in the committee report – whereas his representation was not specifically noted, his comments were received, the points he raised were covered and considered in the report and meeting.</p>	<p>Refused</p> <p>Reason: The impact of the development on the Conservation Area.</p>
<p>21/0346</p>	<p>Site: Land to West Of Docks Way Disposal Site, Docks Way</p> <p>Proposal: Proposed solar development, new access and associated works</p>	<p>Pillgwenlly</p>	<p>This item is being presented to Committee as it relates to Council owned land.</p>	<p>Granted with Conditions</p>

	Recommendation: Granted with conditions			
21/0862	<p>Site: Telecommunication Mast North Most of High Cross Junior And Infant School High Cross Drive, Rogerstone</p> <p>Proposal: Proposed additions to existing base station installation</p> <p>Recommendation: Granted with conditions</p>	Rogerstone	This item is being presented to Committee as it relates to Council owned land.	Granted with Conditions
21/0882 udalen 6	<p>Site: Lliswerry Primary School</p> <p>Proposal: INSTALLATION OF 4NO. FREE STANDING CANOPY SYSTEMS IN VARIOUS LOCATIONS AROUND THE PRIMARY SCHOOL</p> <p>Recommendation: Granted with Conditions</p>	Lliswerry	<p>Presented to Committee as this relates to Council owned land.</p> <p>Councillor John Richards (Chair) declared a prejudicial interest as Chair of school governors for Lliswerry Primary School so left the meeting before the application was discussed.</p>	Granted with Conditions
21/ 0896	<p>Site: Monnow School, Bettws</p> <p>Proposal: INSTALLATION OF 5NO. FREE STANDING CANOPY SYSTEMS IN VARIOUS LOCATIONS AROUND THE SCHOOL</p>	Bettws	Presented to Committee as this relates to Council owned land.	Granted with conditions

	Recommendation: Granted with Conditions		Councillor Jason Jordan declared a prejudicial interest as school governor of Monnow School so left the meeting before the application was discussed.	
21/0983	Site: Car Park Adjacent Endeavour House, Usk Way Proposal: Proposed development of 122 no. dwellings, two commercial units (A1 and A3 use classes) and associated works including landscaping, sustainable drainage, car and cycle parking Recommendation: Granted with Conditions	Pillgwenlly	This item is being presented to Committee as it is a major planning application	Granted with Conditions A condition was added for waste storage to be provided for the commercial units.
21/0996	Site: Cefn Wood Community Centre, The Annexe, Ebenezer Drive, Rogerstone Proposal: Proposed change of use of the vacant Cefn Woods Bowls Club, Rogerstone to become a key stage 2 intervention support centre Recommendation: Granted with conditions	Rogerstone	This item is being presented to Committee as it relates to Council owned land.	Granted with Conditions

Tudalen

Mae'r dudalen hon yn wag yn



Report

Appeal Decisions

Part 1

Date: 5th January 2022

Item No: Insert item number here

Subject **Appeal Decisions**

Purpose To record the outcome of recent planning appeals

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

Wards Langstone

Summary In consultation with the Chair or Deputy Chair of Planning Committee, the Acting Head of Regeneration, Investment and Housing has delegated powers to determine planning applications previously determined by Planning Committee. The following planning appeal decisions are reported to help inform future decisions.

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

Action by Development and Regeneration Manager

Timetable Not applicable

This report was prepared without consultation because it is a record of recent planning appeals to help inform future decisions.

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 an application is refused against Officer advice, during this interim arrangement, the Acting Head of Regeneration, Investment and Housing, along with the Chair/Deputy Chair of Planning Committee 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 major developments, which often require 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 Head of RIH/Chair/Deputy of Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.</p> <p>Ensure appeal timetables are adhered to.</p>	<p>Head of RIH with Chair/Deputy of Planning Committee</p> <p>Head of RIH with Chair/Deputy of 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 a record 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.

Preferred Option and Why

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

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. The costs of defending decisions and any award of costs must be met by existing budgets.

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 a record 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 a record of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Consultation

Not applicable. This report is a record of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Background Papers

Not applicable

Dated: 1st September 2021

Planning Application Appeal

Reference	20/1109
Address	Woodside Cottage Farm, Mynydd Alltir Fach Lane, Llanvaches
Development	replacement of livery buildings with 3 holiday lets (Use Class C3), conversion and alteration of a retained shed to domestic storage and alterations and reduction in size to a barn to provide 3 stables, fodder and bedding storage for horses, parking and general storage all in association with the holiday lets and storage for domestic garden equipment
Appellant	Mr A Sutton
Officer Decision	Refuse
Committee Decision	N/A
Appeal Decision	Dismissed

Planning Application Appeal

Reference	21/0330
Address	19 Holland Close, Rogerstone, Newport, South Wales, NP10 0AU
Development	Works to Oak Tree Protected by TPO1 2020m
Appellant	Mrs S Grewar
Officer Decision	Refuse
Committee Decision	N/A
Appeal Decision	Dismissed

Enforcement Prosecution

Reference	E19/0227
Address	1 Star Villas, Ponthir, Newport, NP18 1PF
Breach	Non-compliance with Section 215 Notice
Fine	£7000 as it's a continuing offence
Costs	£529.30

Enforcement Prosecution

Reference	E19/0059
Address	Pink Storage Limited, Coverack Road
Breach	Non-compliance with Breach of Condition Notice
Fine	£1000 (maximum fine)
Costs	£419.40
VSC	£100

Enforcement Prosecution

Reference	E18/0330
Address	39 Rembrandt Way, Newport, NP19 7RH
Breach	Non-compliance with Enforcement Notice
Fine	£1400
Costs	£534
VSC	£140
