

Report

Planning Committee

Part 1

Date: 4th April 2018

Item No: 5

Subject **Planning Application Schedule**

Purpose To take decisions on items presented on the attached schedule

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

Ward As indicated on the schedule

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

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

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

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

Action by Planning Committee

Timetable Immediate

This report was prepared after consultation with:

- Local Residents
- Members
- Statutory Consultees

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

Background

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

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

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

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

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

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

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

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

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

Financial Summary

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

Risks

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

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

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

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

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

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

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

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

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

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

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

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

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

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

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

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

Options Available

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

Preferred Option and Why

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

Comments of Chief Financial Officer

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

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

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

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

Comments of Monitoring Officer

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

Staffing Implications: Comments of Head of People and Business Change

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

Local issues

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

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due

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

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

Children and Families (Wales) Measure

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

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

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

Planning (Wales) Act 2015 (Welsh Language)

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

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

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Objectives 1 (Sustainable Use of Land) and 9 (Health and Well-being) of the adopted Newport Local Development Plan (2011-2026) link to this requirement to ensure that development makes a positive contribution to local communities and to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

Consultation

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

Background Papers **NATIONAL POLICY**

Planning Policy Wales (PPW) Edition 9 (November 2016)
Development Management Manual 2016
Minerals Planning Policy Wales (December 2000)

PPW Technical Advice Notes (TAN):

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

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

The Economic Development Strategy is a material planning consideration.

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

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

APPLICATION DETAILS

No: 17/1120 **Ward:** LLISWERRY
Type: FULL (MAJOR)
Expiry Date: 16-MAR-2018
Applicant: C/O AGENT, P & P BUILDERS
Site: SITE OF THE KING HOTEL, 76, SOMERTON ROAD, NEWPORT
Proposal: DEVELOPMENT OF 25NO. APARTMENTS, CAR PARKING AND ASSOCIATED WORKS

Recommendation: GRANTED WITH CONDITIONS SUBJECT TO S.106 LEGAL AGREEMENT AND NOTIFICATION TO NRW

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the erection of 25no affordable apartments, car parking and associated works at the site of the former King Hotel in Somerton.
- 1.2 The site occupies a prominent position adjacent to Somerton Road and has an area of 0.12 hectares. The site was formerly occupied by the King Hotel the scale of which varied between two and three storeys in height. The hotel occupied the north-western part of the site with the remainder of the site serving as parking provision. The hotel was demolished several years ago due to its poor condition and the site has been vacant since. There is an extant consent for the redevelopment of the site to provide a 60 bed nursing home with associated works and car parking granted in 2013.
- 1.3 The site is bordered by residential properties on all sides except to the north-east where it fronts Somerton Road. Properties in the surrounding area comprise predominately two storey terraced and semi-detached houses fronting the street.
- 1.4 The site is within the urban boundary and given its prominent position and period of vacancy officers support the principle of its redevelopment for residential purposes. There is no objection in principle to the residential use of the site subject to all relevant considerations, which in this instance relate mainly to design, neighbouring impact, parking provision and highway safety and flooding.

2. RELEVANT SITE HISTORY

05/0510	RESIDENTIAL DEVELOPMENT COMPRISING 32NO. FLATS WITH ASSOCIATED WORKS	Refused
13/0875	REDEVELOPMENT OF THE SITE TO PROVIDE 60 BED NURSING HOME WITH ASSOCIATED WORKS AND CAR PARKING	Granted with Conditions

3. POLICY CONTEXT

- 3.1 **Newport Local Development Plan 2011 – 2026 (Adopted January 2015)**
SP1 Sustainability: seeks to ensure the development takes into account sustainable development principles.
SP3 Flood Risk: There is a need to locate development outside of flood risk. Where a proposed site such as this is located partly in flood risk the consequence of flooding must be investigated and justified.

Policy SP10 Housing Building Requirements states that provision is made for 11,623 units within the plan period in order to deliver a requirement of 10,350 units. The plan seeks to deliver 2,061 affordable units.

SP13 Planning Obligations: Proposals of this scale will be required to provide or make contributions to infrastructure.

GP1 General Development Principles – Climate Change: This policy seeks to ensure that the development is to withstand climate change over the lifetime of the development.

GP2 General Development Principles – General Amenity: There is to be no significant adverse effect on the amenity of the existing or new community.

GP4 General Development Principles – Highways and Accessibility: The proposal must not detrimentally affect the highway capacity. There must be adequate public access and any new roads must be compliant with the Councils design scheme.

GP5 General Development Principles – Protection of the Natural Environment.

GP6 General Development Principles – Quality of Design. Good quality design will be sought in all forms of development. The aim is to create a safe, accessible, attractive and convenient environment.

GP7 General Development Principles – Environmental Protection and Public Health: This policy seeks to ensure that there is no unacceptable harm to health from a development.

H2 Housing Standards: Housing developments will be required to be built to high standards of environmental and sustainable design.

Policy H3 Housing Density seeks a density of at least 30 dwellings per hectare on sites of 10 dwellings or more.

H4 Affordable Housing: This policy requires sites of 10 or more units to provide on-site affordable housing provision.

T4 Parking: This policy requires adequate level of parking to ensure there is no detrimental impact on the new site or existing community.

3.2 **Supplementary Planning Guidance Adopted August 2015**

Planning Obligations

New Dwellings

Parking Standards

4. **CONSULTATIONS**

4.1 NATURAL RESOURCES WALES (FLOODING): The application site lies within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15). NRW Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk and Severn Estuary. The revised FCA has demonstrated that the dwellings are designed to meet A1.14 criteria by raising the finished floor level above the 0.5% plus climate change allowance (CCA) level and therefore predicted to be flood free over the lifetime of development. However, the car parking area and access into the development site have not been raised above the 0.5% CCA level and therefore does not meet A1.14 criteria. Therefore object to the development.

4.2 DWR CYMRU - WELSH WATER: Drainage conditions are requested.

4.3 NEWPORT ACCESS GROUP: No response.

4.4 WALES & WEST UTILITIES: Provide details of apparatus.

4.5 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: The proposal has an archaeological restraint. It is therefore requested that a condition is imposed in the interest of potential archaeological resources.

5. **INTERNAL COUNCIL ADVICE**

5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): When taking into consideration all factors it is determined that the parking should be provided in accordance Newport City Council Parking Standards, including allowing for a reduction in the parking requirement in accordance with the sustainability assessment. The applicant has not

demonstrated that this is achievable and therefore I must object to the application. Should the application be approved then the following conditions will be required:

- Suitable drainage is employed to prevent surface water run off onto the adopted highway.
 - Submission of CEMP which includes such details as wheel wash facilities, dust suppression, contractor parking and compound.
- 5.2 HEAD OF LAW AND REGULATION (NOISE): No objections are offered subject to conditions relating to road traffic noise and a Construction Environmental Management Plan.
- 5.3 HEAD OF LAW AND REGULATION (CONTAMINATION): There is evidence in our records archive of the presence of a heating oil tank located in a small out house on the site. There is no information regarding the treatment of the tank or possible leaks / spillages that could have contaminated the underlying soils. Therefore it is recommended that a condition is imposed to ensure that this matter is addressed. Subject to this no objection is offered.
- 5.4 HOUSING AND COMMUNITY REGENERATION MANAGER (AFFORDABLE HOUSING): The properties provided would address the local housing need as well as providing accessible accommodation which is in particularly short supply within the City and therefore the housing department supports this application. If the development does not progress as an affordable housing scheme the requirement would be for a provision of 20% of the units to be affordable and transferred to an RSL at no more than 50% of ACG for the area; in line with policy any service charges would also need to be affordable.
- 5.5 PLANNING CONTRIBUTIONS MANAGER: The proposed properties address an identified affordable housing need for this area of the City and will be offered on a neutral tenure basis providing opportunities for applicants to rent or part-purchase their home. The properties will be allocated through the Common Housing Register and attain the appropriate Welsh Government standards.
- 5.6 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPE OFFICER): Given the scale of the proposed building mass and height to three storeys, I feel there is more scope for tree planting within the site that will benefit views in from Somerton Road and benefit overlooking residents, using species which are larger in scale than currently proposed. There is also potential for planting to the car park boundary to the south, to soften views out for new residents and views in from existing residents. The introduction of a substantial three storey building should be accompanied with a substantial planting plan but this has not been provided.
- 5.7 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY OFFICER): Does not object in principle to the application. A bat survey was carried out in relation to the building which previously occupied the site and the building was used as a bat roost. To compensate for this loss a bat box was installed on the site. This would need to be considered in the proposal and not compromised.
- 6. REPRESENTATIONS**
- 6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (97 properties), a site notice displayed and a press notice published in South Wales Argus. 2no responses received objecting to the development for the following reasons:
- There will be a lot of noise and traffic;
 - The proposed three store building would impact on neighbouring privacy;
 - It is requested that conifers are planted along neighbouring boundaries as well as the proposed fence to help protect neighbouring privacy and help screen the waste storage area;
 - Insufficient parking provision is proposed and neighbouring streets will be used for parking, therefore double yellow lines should be used as a deterrent;
 - Had the neighbour known that a three storey building was proposed they may not have purchased their home.

7. ASSESSMENT

- 7.1 Two separate buildings are proposed encompassing 25no apartments. The buildings would front Somerton Road. The maximum height of the development would be 12.5m. The building would reduce in height to a maximum of 11m adjacent to no. 78 Somerton Road and this part of the development would further reduce in height to single storey at the rear so as to reduce the impact to the occupants of no. 78. Both buildings would measure 16.5m in depth and a maximum width of 20.5m. The proposed buildings are comparable although slightly smaller than the previously approved care home which also had a maximum height of 12.5m.
- 7.2 An area between the two buildings would provide some outdoor seating. To the rear of the site and the north-eastern corner parking provision is proposed. The vehicle access to the site is to be moved north-east along Somerton Road. A communal bin storage area is proposed near to the access and a sprinkler tank and bike storage are proposed to the rear of the building. 10no 1 bed apartments and 15no 2 bed apartments are proposed.
- 7.2 Several of the proposed apartments would be accessed via the front of the building ensuring an active frontage to Somerton Road in common with neighbouring properties. The front elevation of the building would be set back from the pavement edge by approximately 3m and a low boundary treatment is proposed along the frontage of the site with small grassed areas behind. The proposed building would be larger in scale and form than the surrounding properties, however, taking into consideration the overall height and density of the hotel building which formerly occupied the site and the care home permission which remains extant, it is not considered that the proposed building would appear incongruous in the streetscene. The site is presently vacant and is surrounded by hoarding and officers are keen to see the redevelopment of the site. It is considered that the proposed building would substantially improve the visual amenity of the area.
- 7.3 The apartments are proposed to be 100% affordable in nature. The properties will therefore have to be constructed to Welsh Government standards and allocated through the Common Housing Register. The Council's Housing Manager confirms the apartments would help address the housing need within the local area. The affordable nature of the apartments is a merit of the scheme in policy terms, 20% of the units are required to be affordable and this is the maximum amount that can reasonably be secured by legal agreement.
- 7.4 Due to the location of the site within Flood Zone C1 it has been necessary to raise the floor level of the building to 7.750m AOD resulting in there being several steps up to a raised walkway and the accesses to the property. However, it is not considered that this results in an adverse visual impact to the street scene. The façade of the building would feature projecting gables and the use of a variety of materials including off-white render, brick and cement fibre boarding would provide interest in the building. As noted above, properties in the vicinity comprise high density terrace housing some fronting directly onto the rear of the pavement, some with small gardens at the back of the highway/pavement. The former King Hotel building would have provided contrast to this being two and three storeys in height with feature gables. A variety of materials can be seen in the area as properties have evolved over time and it is not considered that the use of a variety of materials on the proposed building would result in a detrimental impact to the visual amenity of the area.
- 7.5 As noted above, a refuse storage area is proposed near to the vehicle access to the site. A 1.8m brick wall is proposed along the frontage of this part of the site which would help screen the bin store.
- 7.6 The applicant has provided landscaping details as part of the application. However, the Council's Landscaping officer has found it to be lacking in detail and considers that there is scope for improvements to be made given the scale and massing of the building and its impact in the street scene. As such it is recommended that further details should be required by condition if planning permission is forthcoming. However, realistically landscaping will not be possible to the street frontage over and above small scale shrubs. Tree planting across the site is constrained by the limited amount of grassed space proposed.

7.7 The proposed building would be larger in scale and form than the surrounding properties, however, taking into consideration the overall height and density of the fall-back building and the terraced form of surrounding properties, it is not considered that the building would appear as an incongruous feature in the streetscene or have greater dominance in the street compared to the extant permission.

7.8 **Amenity**

In terms of the relationship between the proposed building and existing properties, the distances between the two are generally good and comply with the Council's New Dwellings SPG with 13m between the rear elevation of the building and the side elevation of no. 1 Reene Cottages and over 16m to the rear garden of this property. Objections have been received from the occupier of this property. However, the Council's guidance specifies a minimum distance of 10m between first floor windows and neighbouring boundaries and the development complies with this. Furthermore, the extant care home consent includes a three storey building within a couple of metres of the side elevation of this property and so the proposals can be seen as having less of an impact with regard to this neighbour.

7.9 The western corner of one of the apartment buildings would be within 7m of the boundary of the neighbouring rear garden and the nearest window here would be approximately 8.5m from the neighbouring boundary. These neighbouring properties are served by good sized gardens having a depth of at least 12m and it is not considered that the proposed building would be overbearing. Given the oblique angle that the building would be sited at relating to these neighbours, these distances are considered to be acceptable and the proposals would not result in a loss of privacy or amenity to these neighbours. It should also be noted that the former King Hotel was sited very close to neighbouring properties bordering the western part of the site and the siting of the apartment buildings as proposed is considered to be an improvement in terms of the impact to these neighbours compared to the historic relationship.

7.10 There would be a distance of approximately 15m between the front elevation of the buildings and the properties on the opposite side of Somerton Road. A distance of 21m is generally considered acceptable between windows of residential properties that face one another and the development would fall short of this. However, the area is characterised by terrace style properties fronting to the road. As such separation distances are generally less than this. Furthermore, the King Hotel was sited closer to the properties than the buildings now proposed. On balance, this relationship is considered to be acceptable and there is merit in encouraging site development rather than continued dereliction and associated vulnerability to anti-social behaviour and unsightly land.

7.11 Turning to the relationship with no. 78 Somerton Road which is sited side-on to the east of the site, as noted above the scale of the development has been reduced during the course of the application with the amenity of this neighbour in mind. The building would be sited side-on with this property which is a modern two storey dwelling fronting Somerton Road. There would be a distance of approximately 2m between the side elevation of the proposed apartment building and the side elevation of no.78. The building reduces from three storeys to single storey going further back into the plot in order to reduce the impact on the amenity of the occupants of no. 78 in terms of light and so as to ensure the development would not be over-bearing, particularly relating to the neighbour's enjoyment of their garden. A sloping roof would bridge the three storey development with the single storey element. The maximum depth of the three storey building adjacent to this neighbour would be 9m and only 1.5m of this would extend past the rear elevation of no. 78, with the rest of the building gradually reducing in height along the boundary with this neighbour. This relationship is similar to that between the approved scheme and no. 78 and is not considered to be any worse or result in any greater impact to the amenity of the neighbouring occupants. Having regard to the Council's amenity tests as set out in the New Dwellings SPG, the roof linking the three storey building to the single storey element would fail the elevational test but only marginally and the larger part of the building would not affect this due to the distance from the neighbouring boundary. The development would fail the plan view test for natural light. However, the approved building also failed this and given the reduction in height of the building adjacent to this neighbour and that it would be set off the neighbouring boundary adjacent to the garden of no. 78 by approximately 1.5 to 2m, on balance, this relationship is

considered to be acceptable and the development would not result in a demonstrable impact to the amenity of the neighbouring occupants over and above the fall-back position. A first floor window is proposed in the side elevation of the building which would serve a corridor. In order to ensure that the privacy of the neighbouring occupier is preserved it is recommended that a condition be imposed requiring this windows to be obscure glazed and non-opening.

- 7.12 The Council's SPG specifies internal dimensions of 50 square metres for a new 1bed flat and 65sqm for a new 2bed flat. The one bed flats would comply with the guidance. 12 of the 2 bed flats would fall short of the 65sqm specified but not significantly so and it is considered that the proposed apartments would provide a good standard of amenity for future occupants
- 7.13 The New Dwellings SPG seeks a provision of a balcony of 1.5m² for a one bed flat and 1.5m² (depth) x 2m (width) for a two bed flat. With regard to amenity space the Council's New Dwellings SPG seeks a provision of 14m² of communal amenity space per resident. The SPG does not specify that this should be outdoors but this is the implication. The development would fall short of this with very limited useable outdoor amenity space and this weighs against the scheme in the planning balance. However, the occupants would be served by a generous area of internal space between the two buildings and the harm to policy is reduced. Given the significant regeneration benefits of the development, the scheme has significant merit and on balance in this instance given the merits of the scheme it is considered that the proposals are acceptable despite lacking in outside amenity space.
- 7.14 In terms of boundary treatments, 900mm high ball top railings are proposed along the front of the properties which is considered to be acceptable. A 1.8m high brick wall is proposed along the north of the site adjacent to Somerton Road screening the bin store and several parking spaces which is also considered to be acceptable. Elsewhere it is stated that the existing boundary treatments are to be retained where possible and a 1.8m high close boarded fence is to be erected inwards of this. The proposed boundary treatments are generally considered to be acceptable. However, details of part of the boundary treatment along the western part of the site have not been provided and so it is considered necessary to impose a condition requiring full boundary treatment details in the interests of visual and neighbouring amenity.

7.15 **Highways**

As noted above, vehicle access to the site would be from Somerton Road at the north-western part of the site. 24no parking spaces would be provided within the parking area which would be situated along the north-western and south-western boundaries.

- 7.16 The proposed development consists of 10no. 1 bed and 15no. 2 bed apartments. In accordance with the Newport City Council parking Standards this would generate a residential parking demand of 40 spaces at a ratio of 1 space per bedroom. Given that only 24no spaces are proposed there is a shortfall of 16no parking spaces. The Council's Parking guidance allows for a reduction in parking provision where it can be demonstrated as part of a sustainability assessment that a site is in a sustainable location and points are awarded based on the proximity of the site to shops, services and public transport routes.
- 7.17 In response to the proposals and the Sustainability Assessment that has been undertaken the Head of Streetscene and City Services (Highways) confirms the site scores a minimum of 7 points which justifies a reduction of 1 space per unit. However, the SPG does not allow for a reduction in visitor parking provision which in this instance equates to 5no spaces. Furthermore, even applying a reduction in parking demand to 1no space per unit in accordance with the Parking SPG, the development still falls short by 1no resident space. The development therefore falls short in terms of overall parking demand by 6no spaces.
- 7.18 The Head of Streetscene and City Services's comments are given in full below:

The proposal consists of 15no. 2 bed flats and 10no. 1 bed flats. The sustainability assessment allows a reduction of 1 space per unit however the assessment states that this

should not result in less than 1 space per unit remaining. In accordance with the parking standards, the residential parking demand is determined to be 25 spaces.

The latest site plan only shows 24 numbered parking spaces and therefore the residential parking demand is not being met with a shortfall of 1 space overall.

The applicant has made reference to the “Residential Car Parking Research” and research carried out by Rhondda Cynon Taff in regard to car ownership at social rented housing. The documents discuss car ownership in terms of social rented houses and whether car ownership in general terms may be lower. I would however suggest that the determination of car ownership cannot be purely linked to whether the resident is occupying a social rented property. There are a number of factors which will determine car ownership such as, wealth/salary, employment, distance to place of work, availability of alternative modes of transport and other factors which may be specific to the local area. I would argue that the sustainability assessment addresses a number of these issues specifically in terms of whether there are viable options such as shops, schools, medical facilities and public transport links reducing the need for car ownership.

In addition to the residential parking, visitor parking is also required at a ratio of 1 space per 5 units resulting in an overall demand of 5 spaces. The applicant has not proposed to provide any visitor parking and has argued that that the proposed level of parking is sufficient to accommodate residential and visitor parking needs. For the reasons stated above I would disagree with this and therefore the visitor parking provision is not being met within the proposed off street parking provision.

The applicant has stated that there is sufficient on road parking to accommodate the shortfall however no evidence, in the form of a parking survey, has been submitted for consideration. It would appear that there is a high demand for on street parking in the area and therefore increased demand could result in illegal or obstructive parking at the detriment of highway safety and the free flow of traffic.

When taking into consideration all factors it's determined that the parking should be provided in accordance Newport City Council Parking Standards, including allowing for a reduction in the parking requirement in accordance with the sustainability assessment. The applicant has not demonstrated that this is achievable and therefore I must object to the application.

- 7.19 It should be noted that a reduction in parking provision was allowed on the previous scheme due to the sustainable nature of the site. The previous scheme included a total of 15no parking spaces but required 20no parking spaces in accordance with the parking standards at the time. The sustainability assessment submitted as part of the previous application justified a 20% reduction in parking provision, reducing required parking provision to 16no spaces. Only 15no spaces were provided (so a total shortfall of 1no space). However, officers concluded that the benefits of the site being brought back into beneficial use outweighed the shortfall in terms of parking provision.
- 7.20 The applicant has undertaken a parking survey in the vicinity of the site in order to demonstrate that there is a good level of on-street parking provision available. The survey looked at several streets in the vicinity of the site including Somerton Road, Kitty Hawk Drive, Downing Street, Lloyd Street, Bathropp Street, Ifton Street, Ifton Place, Camperdown Street and Frobisher Street. Several of the streets are considered by officers to be too remote to be included in the survey. However, Somerton Road, Downing Street and Kitty Hawk Drive are in close proximity to the site. The study was conducted at different times of the day (3pm, 7pm, 12.30am and 8am) and on different days of the week including both week days and the weekend. The survey found that there was only limited availability on Downing Street and Somerton Road and as such officers do not consider that an overspill of parking demand as a result of the shortfall in parking associated with the development could be absorbed by these streets without impacting on neighbouring amenity. However, there were consistently around 30no parking spaces available on of Kitty Hawk Drive which is in close proximity to the site. The availability of on-street parking in Kitty Hawk Drive is likely to be down to the fact that large section of the street are not fronted by dwellings and so the parking demand is therefore significantly reduced. On the basis of availability of on-

street parking on Kitty Hawk Drive which would help accommodate the shortfall in parking associated with the proposed development it is considered that there would not be a demonstrable impact to highway or residential amenity as a result of the proposals.

7.21 Whilst the survey does not mitigate the objection from the Head of Streetscene and City Services it must be considered alongside the merits of the scheme which are notably the redevelopment of a vacant, derelict, unsightly urban site in a prominent location on a main thoroughfare and the provision of at least 20% affordable units, potentially 100%. The parking evidence provided by the applicant cannot be disputed as there is no contrary evidence that demonstrate that (a) it is wholly inaccurate or (b) parking in the area does and would cause safety or amenity harm as a direct result of the six space shortfall.

7.22 A communal bin store is proposed to be sited to the north of the site adjacent to Somerton Road. The siting of the bin store as proposed means it is somewhat remote from the apartments, particularly those to the south-east of the site and officers raised this concern with the applicant. Whilst the bin store was subsequently sited slightly nearer to the apartment building the applicant has advised that due to the constraints of the site they are unable to re-site it elsewhere and it needs to be sited near to the highway to enable the refuse truck to access it. On balance, the siting of the bin store as proposed is considered to be acceptable subject to full details of the structure being provided by condition. Due to potential for vandalism, a robust structure will be required and the details will also need to include security measures to ensure that only residents and the Council's refuse collectors are able to gain access to it.

7.23 ***Flooding***

The application site lies within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15). NRW Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk and Severn Estuary.

7.24 ***Overview of Technical Advice Note 15: Development and Flood Risk***

TAN 15 set 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. The key points of the TAN are:

- The Council is expected to consult Natural Resources Wales (NRW) when considering development in Zone C1. Where a planning authority is minded to go against the advice of NRW it should inform NRW prior to granting consent allowing sufficient time for representations to be made;
- Residential development is defined as 'highly vulnerable development' which is 'development where the ability of occupants to decide on whether they wish to accept the risks to life and property associated with flooding, or be able to manage the consequences of such a risk, is limited'.
- The TAN states 'it would certainly not be sensible for people to live in areas subject to flooding where timely flood warnings cannot be provided and where safe access/egress cannot be achieved'.
- There should be minimal risk to life, disruption and damage to property.

7.25 ***Summary of NRW consultation response***

The revised FCA has demonstrated that the dwellings are designed to meet A1.14 criteria by raising the finished floor level above the 0.5% plus climate change allowance (CCA) level and therefore predicted to be flood free over the lifetime of development.

However, the car parking area and access into the development site have not been raised above the 0.5% CCA level and therefore does not meet A1.14 criteria. These areas are predicted to experience flood depths of 530mm - 830mm. With the predicted velocity of flood waters at 0.57m/s, this represents a hazard rating of "Danger for most – includes general public". NRW note further raising to reduce the flood risk and hazard is unfeasible due to the requirement to tie into the existing road infrastructure.

- 7.26 When the extreme 0.1% CCA flood event is considered against A1.15 criteria, the FCA shows that the dwellings could experience flood depths of up to 1.08m. It is worth noting that the dwellings are flood free in the extreme 0.1% CCA up to the year 2090. The maximum velocity of flood waters at the site (including the access into the property) are predicted to be 0.73 m/s (with a mean velocity of 0.37m/s) in the 0.1% CCA event. Therefore, on this basis, the proposal does not meet the criteria in A1.15.
- 7.27 In consideration of the above, NRW advice is that the entire proposal is not in line with TAN15 criteria. Given the constraints with the existing road infrastructure, NRW's view is that there are no practical solutions available to the applicant to design the entire site in line with A1.14 criteria, therefore NRW object to the proposal. NRW remind the LPA that their role is limited to providing the LPA with technical advice on the consequences of flooding.

7.28 **TAN 15 Tests**

Section 6.2 of TAN 15 refers specifically to justifying the location of development and that such development should only be permitted within zone C1 if determined by the planning authority to be justified in that location and 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.

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.

7.29 **Test 1 – Justification**

Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement.

Located within the settlement boundary, Officers consider that the development is necessary as part of a local authority strategy required to sustain an existing settlement.

It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1)

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.

The development would accord with this.

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

Moreover, 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, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable. These are referred to as tests 2 to 12 below.

7.31 ***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 have not objected to the development on the basis of inadequate flood defences.

7.32 ***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.***

Flood mitigation measures are proposed as part of the development in the form of raising the site. NRW note this and request that a condition is imposed requiring that the flood mitigation measures must be incorporated.

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

The developer can be notified of this by way of informative should planning permission be given.

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

NRW identify that whilst they seek to provide timely and robust warning they cannot guarantee their provision. No objection is offered by NRW on this basis.

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

The maximum flood depths relating to the access/egress route would be 1.96m. The velocity would be 1.12m/s. This represents a flood hazard rating of Danger for all. The development does not comply with this test.

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

NRW advise that if, as the planning authority, you are satisfied that the proposed location is the only possible location in planning terms, only then should you consider whether the above risks and consequences can be managed through measures such as emergency planning and evacuation.

A Flood Emergency Management Arrangement document has not been submitted.

The local planning authority does not have the in-house expertise to judge the effectiveness of the emergency plan and emergency services do not comment on them. Planning Officers are therefore not in a position to comment upon the effectiveness of the flood emergency management arrangements document or that it is acceptable and effective. These procedures would be the responsibility of the developer.

7.37 ***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.***

And,

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.

As it is proposed to raise the level of the site the development is designed to minimise structural damage. However, based on the rate of inundation occupiers may not have time to move goods to higher levels and residents in ground floor apartments would not have access to first floor accommodation.

7.38 **Test 10 - No flooding elsewhere.**

NRW do not object to the development on this basis.

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

NRW advise that based upon the proposed finished floor levels being raised above the 0.5% plus climate change allowance (CCA) level, the proposed apartments would remain flood free during the 0.5% (1 in 200 year) flood event over the lifetime of development. However, the car parking area and access into the development site would not be raised above the 0.5% CCA level and therefore does not meet A1.14 criteria. These areas are predicted to experience flood depths of 530mm - 830mm. With the predicted velocity of flood waters at 0.57m/s, this represents a hazard rating of "Danger for most – includes general public".

The applicant advises that raising the level of the car park to be flood free would render the scheme unviable and in any case raising the car park would not result in the access point being flood free. Even if the parking area were raised the access and Somerton Road would not be A1.14 compliant and so raising the parking area would not serve any benefit if the road itself floods other than to limit property (car) damage on site.

The applicant advises that car parking area and the access/egress routes are likely to be flood free after approximately 6 hours given the tidal nature of the flooding which is influenced by the 6 hours cycle of low to high tide, but could take up to 8-9 hours.

7.40 **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.**

When the extreme 0.1% CCA flood event is considered against A1.15 criteria, the FCA shows that the dwellings could experience flood depths of up to 1.08m. It is worth noting that the dwellings are flood free in the extreme 0.1% CCA up to the year 2090. The maximum velocity of flood waters at the site (including the access into the property) are predicted to be 0.73 m/s (with a mean velocity of 0.37m/s) in the 0.1% CCA event. Therefore, on this basis, the proposal does not meet the criteria in A1.15. As noted above, access/egress routes are likely to be flood free after approximately 6 hours given the tidal nature of the flooding which is influenced by the 6 hours cycle of low to high tide, but could take up to 8-9 hours.

7.41 In summary, the building would be flood free during a 1 in 200 year event but the access and parking area would not be, but should be flood free after a maximum of 9 hours. NRW note that further land raising to reduce the flood risk and hazard is unfeasible due to the requirement to tie into the existing road infrastructure and therefore object to the proposal.

- 7.42 The building would not be flood free during an extreme 1 in 1000 year event and is predicted to flood to a depth of approximately 1.08m. The building would be flood free in an extreme event when climate change allowance is factored in.
- 7.43 The escape/evacuation routes do not comply with the TAN and it would likely be around 6 hours before they became compliant but possibly 8-9 hours, during which time residents would need to remain in their apartments.
- 7.44 There are self-contained ground floor units with no access to flood free first floor accommodation in the event of a 1 in 1000 year flood event.
- 7.45 When assessing whether the risks and consequences of flooding can be satisfactorily managed, the proposals do not satisfy all of the tests within TAN 15.
- 7.46 However, due to the nature of the flood risk, which is tidal, there would likely be 2-3 days advance meteorological warning of such a catastrophic flood event occurring and the applicant advises that they intend to put procedures in place in the event of such an event occurring, although this cannot be relied upon. Furthermore, this is the extreme event with the lowest likelihood of occurring, certainly with no advance knowledge or warning. It also has the greatest uncertainty in terms of its actual flow and effects.
- 7.47 TAN 15 acknowledges that each site must therefore be considered individually and a judgement taken in the context of the particular circumstances which could prevail at that site.
- 7.48 It should be kept in mind that there is an extant planning permission at the site for a 60 bed nursing home which is also regarded as highly vulnerable although all residents would have had access to upper floors as part of this scheme. This development was based on a 50 year lifetime of development in line with the policy stance at the time.
- 7.49 Given the regeneration merits of the proposals, the scheme does have significant merit and weight should be attributed to this in the decision making process and balanced against the flood risk together with other considerations.
- 7.50 Given that the main risk is from an extreme event the probability of which equates to occurrence once in every 1000 years and the significant demand for affordable accommodation in the area, on balance in this instance it is considered that the proposals are acceptable. However, there is risk and the developer will be advised to install flood proofing and management measures by way of an advisory note and to accord with measures set out in their FCA by way of a planning condition.

7.51 ***Noise/Contamination***

In response to the proposals Environmental Health Officers have advised that there are photographic records of a suspected above ground fuel tank within a red brick building within the site towards the northwest of the existing public house building. In addition the area is likely to contain a layer of made ground placed prior to the pub's construction and this is probably unsuitable by modern standards. Given this and the fact that the development is essentially residential with soft landscaped areas it is requested that a condition relating to contamination be imposed.

In view of the close proximity of the building with Somerton Road the Public Protection Manager has requested that a condition be imposed concerning habitable rooms within the property in order to ensure that they are adequately insulated from road traffic noise levels.

7.52 ***Ecology***

The Council's Ecology officer has advised that whilst she does not object in principle to the application, a bat survey was carried out in relation to the building which previously occupied the site and the building was used as a bat roost. To compensate for this loss a bat box was installed on the site. This would need to be considered in the proposal and not compromised. The applicant has confirmed that they are amenable to including bat

mitigation in the scheme and the Ecology officer confirms no objections are offered subject to the mitigation being provided. This can be controlled by way of condition.

7.53 **Archaeology**

Glamorgan Gwent Archaeological Trust have confirmed the proposed works will require archaeological mitigation, stating that although the current building dates to the early twentieth century, there is a strong possibility that significant archaeological remains survive below ground that date to at least the mid-eighteenth century. As the proposed development will include substantial ground disturbing activities, it is possible that archaeological material will be uncovered by the project. Whilst GGAT do not offer any principle objections to the proposals, they have requested that a condition be attached requiring the applicant to appoint an archaeologist to conduct a watching brief during the groundwork.

7.54 **Drainage**

It is proposed to connect to the existing mains sewer in terms of foul sewage. Given the previous use of the site, this is considered acceptable. Dwr Cymru-Welsh Water has provided no objection to these proposals subject to full drainage details being provided.

7.55 **Financial Contributions**

The proposed housing would be 100% affordable and as such no financial contributions are triggered. The proposed properties address an affordable housing need for this area of the City and will be offered on a neutral tenure basis providing opportunities for applicants to rent or part-purchase their home. The properties will be allocated through the Common Housing Register and attain the appropriate Welsh Government standards. The applicant will need to enter into a Legal Agreement to ensure that 20% of the units are affordable.

7.56 **Other Matters**

Concerns have been raised by neighbours about disturbance during construction. Whilst it is not disputed that there will inevitably be some disturbance, the Council can seek to reduce this by way of Construction Management Plan condition and given the temporary nature of construction it would be unreasonable of the Council to refuse such proposals on these grounds.

8. **OTHER CONSIDERATIONS**

8.1 **Crime and Disorder Act 1998**

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

8.2 **Equality Act 2010**

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

9. CONCLUSION

9.1 The scheme has significant merits including the provision of affordable housing within the urban area, for which it has been confirmed there is considerable demand.

9.2 The layout and design of the development is considered to be acceptable and the proposals would not result in detrimental impact to neighbouring occupants over and above the fall-back scheme.

9.3 The applicant has demonstrated that there is sufficient availability of on-street parking provision in the area to accommodate the shortfall in parking associated with the proposed development without resulting in a detrimental impact to neighbouring amenity or highway safety and there is no evidence to dispute this.

9.5 Whilst the development does not comply with several of the tests within TAN15, the main risk is from an extreme event with a probability to occur once in every 1000 years and NRW's objection relates to the potential flooding of the access and parking areas during a 1 in 200 year event (during which the residential accommodation is predicted to be flood free). Given the significant demand for affordable accommodation in the area and the significant weight attributed to the site's regeneration, on balance in this instance it is considered that the merits of the proposals outweigh the flood risk objection.

9.6 It is therefore recommended that the application is granted subject to the following conditions and subject to Section 106 Legal Agreement.

10. RECOMMENDATION

GRANTED WITH CONDITIONS SUBJECT TO SECTION 106 LEGAL AGREEMENT AND NOTIFICATION TO NRW

01 The development shall be implemented in accordance with the following plans and documents: LT1710.04.04, LT1715.04.01 Revision D Site Layout, LT1715.04.100 Revision C Ground and First Floors, LT1715.04.102 Revision D Elevations, LT1715.04.101 Revision C Second Floor and Roof Plan.

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

Pre- commencement conditions

02 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.

03 Notwithstanding the details contained within the application, 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 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.

04 No development shall commence on the building hereby approved until details of the proposed boundary treatments for the site 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 beneficial use of the building and then maintained thereafter.
Reason: To ensure the development is completed in a satisfactory manner and in the interests of highway safety.

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

- a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.
- b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to (BS10175/2011), containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.
- c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be occupied until:
- d) Following remediation a Completion/Verification Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.
- e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

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

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

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

07 The development shall be carried out in accordance with recommendations contained within the FCA and the finished floor levels of the buildings shall be set no lower than 7.750m AOD. The parking area levels shall be in accordance with the approved drawings. Reason: In the interests of visual amenities and to reduce the risk of flooding to the development and future occupants.

08 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

09 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.

10 Notwithstanding the details already provided, prior to the commencement of development a detailed landscaping scheme, showing both hard and soft landscaping proposals, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in accordance with the approved drawings not later than the expiry of the next planting season following commencement of the development, or within such other time as may be approved with the Local Planning Authority. The landscaped areas shall be subsequently maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants, or areas of seeding or turfing comprised in the approved landscaping plans, which fail within a period up to 5 years from the completion of the development.

Reason: To ensure the site is satisfactorily landscaped in the interests of the visual amenity of the area.

11 No construction shall commence on the development hereby approved until details of the proposed bike stand structure have been submitted to and approved in writing by the Local Planning Authority. The bike stand shall be constructed in accordance with the approved details prior to the first beneficial use of the building and then maintained thereafter.

Reason: To ensure the development is completed in a satisfactory manner and in the interests of highway safety.

12 Notwithstanding the details already provided, no construction shall commence on the development hereby approved until details of the bin store have been submitted to and approved in writing by the Local Planning Authority. This shall include walling to the elevation facing Somerton road and the proposed junction/entranceway. The bin store shall be constructed in accordance with the approved details prior to the first beneficial use of the building and then maintained thereafter.

Reason: To ensure the development is completed in a satisfactory manner in the interests of visual and neighbouring amenity and in the interests of highway safety.

13 No development shall commence on the building hereby approved until details of bat mitigation has been submitted to and approved in writing by the Local Planning Authority. The bat mitigation shall be provided in accordance with the approved details prior to the first beneficial use of the building and retained in perpetuity.

Reason: In the interests of European Protected Species.

Pre –occupation conditions

14 The access, parking provision and general arrangement shall be carried out strictly in accordance with the details shown on the approved plans before the dwellings hereby permitted are first occupied and then maintained in such a state thereafter.

Reason: In the interests of highway safety.

General Conditions

15 The first floor window in the side elevation of the development nearest no. 78 Somerton Road shall be obscure glazed and fixed shut at the time of installation and shall remain thus in perpetuity and no openings other than those shown on the approved plans shall be installed in the building hereby approved.

Reason: In the interests of neighbouring amenity.

16 No gates shall be erected at the vehicular access to the site.

Reason: In the interests of highway safety.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP10, SP13, GP1, GP2, GP4, GP5, GP7, H4 and T4 were relevant to the determination of this application.

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

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

04 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

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 on 0800 085 3968 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.

05 On behalf of the Council's Public Protection Manager, the applicant is advised to encourage a change to ultra-low/zero emission methods of transport, electric vehicle charging points should be installed within the vehicle parking area. Funding may be available for the installation via the government grant scheme -

<https://www.gov.uk/government/collections/government-grants-for-low-emission-vehicles>

Such schemes as Zip Car may also provide beneficial to the proposed development

<https://www.zipcar.co.uk/propertydevelopers>

06 The applicant is advised that the Streetscene section of the Council must be contacted on 01633 656656 to facilitate a S.111 Agreement for any works which are required within the adopted highway.

07 This application is subject to a Section 106 Legal Agreement.

APPLICATION DETAILS

No: 17/1122 **Ward:** *RINGLAND*

Type: FULL

Expiry Date: 28-FEB-2018

Applicant: *SAM HILL, NEWPORT NORSE*

Site: *RINGLAND PRIMARY SCHOOL, DUNSTABLE ROAD, NEWPORT*

Proposal: *ERECTION OF 2.4M HIGH WELD MESH FENCING*

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This planning application seeks permission for the erection of 2.40 metre high boundary fence at Ringland Primary School, Dunstable Road, Newport. The application site is located within the Ringland Ward of Newport and for the purpose of this application, the site lies within the urban boundary, as defined by the Newport Local Development Plan (Adopted 2015).
- 1.2 This application seeks permission to erect a section of fencing to the rear boundary of Ringland Primary School. The fencing would measure: 200 metres in length and would be 2.40 metres in height and would be positioned approximately 5.00 metres from the boundary of the application site. In terms of design, the proposed fencing would be Grade 3, security weld-mesh steel fence which would be finished in green.

2. RELEVANT SITE HISTORY

- 2.2 No relevant history.

3. POLICY CONTEXT

- 3.1 Policies GP2 (General Amenity) 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. The adopted Supplementary Planning Guidance (SPG) "House Extensions and Domestic Outbuildings" is also relevant to the determination of this application.
- 3.2 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.
- 3.3 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 THE HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS OFFICER): No objection.
- 5.2 THE HEAD OF REGENERATION AND REGULATORY SERVICES (TREE OFFICER): No objection was raised by the Officer on the basis that two planning conditions are added in relation to the submission of an Arboricultural Method Statement.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: Common boundary and opposite properties were consulted (57 addresses) and two letters of objection were received. The comments included:
- The proposed 2.4 metre high fencing will be too high and should replace the existing fencing on a 'like for like' basis.
 - Looking out onto a fence from the property will be like being in prison and will spoil the view.
 - The proposed fencing would result in the loss of hedgerow and trees.

7. ASSESSMENT.

- 7.1 This application does not seek to replace existing fencing within the school and the proposed 200 metre fencing would be in addition to fencing already present and to the rear boundary of the school, enclosing the area which is currently used as the school playing fields. The fencing is proposed to be developed approximately 5.00 metres from the boundary of the site. The fencing would be erected adjacent to the top right of Downland Close and would finish to the rear of No. 24 Dunstable Road.
- 7.2 The fencing would be developed adjacent to two neighbouring properties, to the rear of 24 Dunstable Road and to the side of 16 Downland Close. The fencing would be set off the boundary of the school which is at present surrounded by established landscaping at the rear. This landscaping will be retained and will serve to screen views of the fence from the nearest neighbouring dwellings. As such, it is considered that the fence would not introduce an obtrusive feature to the detriment of neighbouring amenity or the visual amenity of the streetscene. It would have vertical and horizontal green bars in a mesh pattern which would allow visibility through the fence to be maintained, and being set against the backdrop of higher landscaping would blend into its environment in a satisfactory manner.
- 7.3 The proposed fence would not result in any harm to the residential amenities of the occupiers of nearby properties. There would be no overbearing impact given its distance from the adjoining properties. This proposal does not seek to remove any vegetation in order to develop the proposed fencing and as such the erection of fencing would not be detrimental to visual amenities within the surrounding streetscene. On balance, the proposed erection of fencing is in accordance with policies GP2 and GP6 of the Newport Local Development Plan (Adopted 2015).
- 7.5 Two letters of objection have been received as part of this application. One letter, which did not contain an address stated that the fencing would impact on their view. This is not considered to be a material planning consideration. Subsequent comments related to the replacement of a fence and the removal of landscaping. Nevertheless, this application does not seek to remove hedging in order to erect the fencing or replace an existing fence.

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is

considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

8.2 ***Equality Act 2010***

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

9. **CONCLUSION**

9.1 The proposed fencing, by reason of its design, scale and location is considered to be acceptable at Ringland School in relation to policies GP2 and GP6 of the Newport Local Development Plan (Adopted 2015) and it is therefore recommended that planning permission is granted, subject to conditions.

10. **RECOMMENDATION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Capital Fencing Works, Drawing No. NPS-00-00-DR-(00)-000 (Revision P), (Received 4 January 2018), Site Location Plan (Received 24 November 2017). Weld-mesh Panel, Drawing No. NPS-DR-A (00)-001 (Received 21 March 2018).

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 operations of any description, (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection within the development, until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning

Authority to ensure that the tree roots are not damaged. The development shall be carried out in full compliance with the Arboricultural Method Statement unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect important landscape features within the site.

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

Oversee working 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.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Capital Fencing Works, Drawing No. NPS-00-00-DR-(00)-000 (Revision P), (Received 4 January 2018), Site Location Plan (Received 24 November 2017). Weld-mesh Panel, Drawing No. NPS-DR-A (00)-001 (Received 21 March 2018).

02 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.

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

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

APPLICATION DETAILS

No: 17/1123 **Ward:** *ALWAY*

Type: **FULL**

Expiry Date: **04-APR-2018**

Applicant: *SAM HILL, NEWPORT NORSE*

Site: *ALWAY JUNIOR AND INFANT SCHOOL, ABERTHAW ROAD, NEWPORT, NP19 9QP*

Proposal: *ERECTION OF 2.4M HIGH FENCING AND 3NO. GATES*

Recommendation: **GRANTED WITH CONDITIONS**

1. INTRODUCTION

- 1.1 This planning application seeks permission for the erection of 2.40 metre high boundary fencing at Alway Junior and Infant School, Aberthaw Road, which lies within the Alway Ward of Newport. For the purpose of this application, the site is located within the urban boundary, as defined by the Newport Local Development Plan (Adopted 2015).
- 1.2 This proposal seeks consent for the erection of fencing which would be positioned along the south-west boundary of the school and would measure 57.00 metres in length and would have a height of 2.40 metres. This application also seeks the erection of gates which would be of weldmesh design. In terms of design, the proposed fencing would be vertical bar fencing constructed out of galvanised steel and finished in green. This is comparable to the existing fencing in style but the proposal will be higher.

2. RELEVANT SITE HISTORY

- 2.1 No relevant history.

3. POLICY CONTEXT

- 3.1 Policies GP2 (General Amenity) 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. The adopted Supplementary Planning Guidance (SPG) "House Extensions and Domestic Outbuildings" is also relevant to the determination of this application.
- 3.2 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.
- 3.3 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 THE HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS OFFICER): No objection.

6. REPRESENTATIONS

6.1 NEIGHBOURS: Common boundary and opposite properties were consulted (71 addresses) and two letters were received in response. The comments received stated:

7. ASSESSMENT

7.1 This application seeks to replace existing weld-mesh fencing located to the front of the school which currently measures 1.00 metre in height and located on an existing wall which measures 0.50 metres in height. The proposed fencing would be positioned on the existing wall. This means of enclosure would have a maximum height of 2.40 metres as opposed to the maximum height currently of 1.50 metres. The fencing would be located on the corner of the site, where Aberthaw Road and Aberthaw Circle meet.

7.3 Due to the location of the proposed boundary fencing, which would be developed opposite seven residential properties; 30-42 Aberthaw Road, by reasons of its design, scale and location of the proposed fencing, it is not considered to have a detrimental impact on residential amenity. There is an existing fence located on this section of the school of the same style finish. Therefore, the main difference will be the overall height of the development. On this basis, it is not considered that the development would have a harmful impact on the appearance of the school and the wider streetscene. It is considered that the fence would not introduce an obtrusive feature to the streetscene; although increasing the height by 0.90 metres, the fencing would maintain visibility and would not increase the perceived level of overbearing or massing in the streetscene. A fence of this type is now a common feature of schools and is considered a suitably designed security measure. On balance, the proposed erection of fencing and associated gates is in accordance with policies GP2 and GP6 of the Newport Local Development Plan (Adopted 2015).

7.4 Two neighbouring comments were received in relation to this proposal, one neighbour was concerned with the impact on natural sunlight at their property, located at 7, Henry Wood Walk. This property is located to the east of the school and there are no proposed changes to the existing fencing in this location. However, a new gate is proposed. Nevertheless, the consideration of loss of light in this instance is not considered to be applicable, the proposed fence is located approximately 50.00 metres from the objector's dwellinghouse and therefore the proposed works are not considered to impact upon residential amenity in this location. The second letter referred to the potential impact the development would have on trees within the site of the school. The fencing will replace an existing boundary treatment, in the same location and therefore it is not considered that the proposal would have a harmful impact on landscaping within the curtilage of the site over and above the existing situation.

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

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

8.2 *Equality Act 2010*

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

9. CONCLUSION

9.1 The proposed fence and 3no. gates, by reason of their design, scale and location are considered to be acceptable at Alway School in relation to policies GP2 and GP6 of the Newport Local Development Plan (Adopted 2015) and it is therefore recommended that planning permission is granted, subject to conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Different Fence Types, Drawing No. NPS-00-00-DR-(00)-002 (Received 7 February 2018) Fence Details, Drawing No: NPS-00-00-DR-B-(00)-001 (Received 23 March 2018), Vehicle Gates and Fence Details, Drawing No. NPS-00-00-DR-B-(00)-001 (Received 28 February 2018), Proposed and Existing Gate, Drawing No. NPS-00-00-DR-B-(00)-001 (Received 23 March 2018), Site Map with Red Circles Labelling Vehicle Access Drawing No. NPS-00-00-DR-B-(00)-001, (Received 28 February 2018). Proposed Fence and gate (Purple Line), drawing no. NPS-00-00-DR-B-(00)-001 (Received 23 March 2018), Proposed Fence and Gate (Pink Line), (Received 23 March 2018).

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

NOTE TO APPLICANT

01 This decision relates to plan Nos: Different Fence Types, Drawing No. NPS-00-00-DR-(00)-002 (Received 7 February 2018) Fence Details, Drawing No: NPS-00-00-DR-B-(00)-

001 (Received 23 March 2018), Vehicle Gates and Fence Details, Drawing No. NPS-00-00-DR-B-(00)-001 (Received 28 February 2018), Proposed and Existing Gate, Drawing No. NPS-00-00-DR-B-(00)-001 (Received 23 March 2018), Site Map with Red Circles Labelling Vehicle Access Drawing No. NPS-00-00-DR-B-(00)-001, (Received 28 February 2018). Proposed Fence and gate (Purple Line), drawing no. NPS-00-00-DR-B-(00)-001 (Received 23 March 2018), Proposed Fence and Gate (Pink Line), (Received 23 March 2018).

02 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.

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

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

APPLICATION DETAILS

No: 17/1191 **Ward:** MALPAS

Type: FULL

Expiry Date: 08-MAR-2018

Applicant: K. MCFLYNN, KRM PROPERTY DEVELOPMENT LTD

Site: 35 PILLMAWR ROAD, NEWPORT, NP20 6WH

Proposal: DEMOLITION OF 2NO. DWELLINGS AND ERECTION OF 1NO. BLOCK CONTAINING 6NO. SELF CONTAINED FLATS AND ASSOCIATED WORKS (RESUBMISSION OF APPLICATION 17/0373)

Recommendation: REFUSED

1. INTRODUCTION

1.1 The applicant seeks permission to demolish a pair of semi-detached houses at 35/37 Pillmawr Road and replace them with a block of 6 flats to be provided as affordable housing. The application has been called to Committee by Councillor Mayer (Malpas) so that the Committee may consider the parking and overlooking implications of the proposal.

2. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
17/0373	DEMOLITION OF 2NO DWELLINGS AND ERECTION OF 1NO. APARTMENT BLOCK CONTAINING 8NO. SELF CONTAINED FLATS	Withdrawn 15 September 2017

3. POLICY CONTEXT

3.1 The following Policies of the adopted Newport Local Development Plan (2011-2026) are relevant to this application:

- SP10 – House Building requirement
- SP13 – Planning Obligations
- GP2 – General Amenity
- GP4 – Highways & Accessibility
- GP6 – Quality of Design
- H2 – Housing Standards
- H4 – Affordable Housing
- T4 - Parking
- W3 – Waste Management

3.2 Adopted Supplementary Planning Guidance

- Affordable Housing (August 2015)
- New Dwellings (August 2015)
- Parking Standards (2015)

4. CONSULTATIONS

4.1 WALES & WEST UTILITIES: Advise of equipment in the area and safe working practices.

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

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE & CITY SERVICES (HIGHWAYS): I'm satisfied that the required visibility splays are achievable. The maximum height of any structures or planting within the splay should be no more than 600mm high and the precise area of the splay should be identified for conditioning purposes.

5.2 HEAD OF STREETSCENE & CITY SERVICES (LANDSCAPING):

- 5.2.1 The majority of previous comments made have not been addressed. The building mass and ratio of hard to soft is very high and this represents a substantial change from the existing two houses set in gardens which will impact on neighbours and affect the street view. A landscape plan **drawn up by a professional landscape architect** is required.
- 5.2.2 Softening of the building mass is needed through planting although areas for sufficiently high planting are restricted by the extent of hard surfacing/building footprint and visibility splays. There is potential for tree planting within the visibility splays subject to Highways approval. Adding the visibility splays as advised by Highways would be helpful.
- 5.2.3 Boundary treatment is not detailed. The extent of the retaining walls to the east and north boundaries is not clear. No details have been submitted for these or the frontage brick wall. The north boundary has around 8m of close boarded fence likely to be on a retaining wall, the east boundary has the same treatment for the entire boundary with no scope for softening views for neighbouring properties.
- 5.2.4 The extent of hard surface to the rear is not clear and there should be a set-back line to retain the hedge and accommodate new small tree planting. The same comment applies to the car park kerbs which are drawn on the line of the hedge.
- 5.2.5 Further information is required:
- Hard landscape plan with levels and boundaries (extent, height, details) shown.
 - Soft landscape plan with full plant schedule, tree pit details.
 - Protection for existing hedge clearly shown.
 - Sections combining hard and soft landscape and building proposals within the landscape
 - context.
- 5.3 HEAD OF STREETSCENE & CITY SERVICES (ECOLOGY): No bats were identified in the Emergence Survey and there is no ecological interest in the application.
- 5.4 HEAD OF REGENERATION, INVESTMENT & HOUSING (HOUSING MANAGER): Supports the proposal. The owner/developer of the site has agreed to work in partnership with the City Council and a partner housing association. The housing department and colleagues within social services identified a housing need for potential residents with a mild learning disability. This location is particularly sustainable as it has a parade of local shops, a library and dentist etc. and all are relatively easily accessed, as the location is fairly flat. The agent/architect employed by the owner has ensured that various requirements are incorporated into the building with all but one of the apartments being accessible for a resident with a physical disability; and a small office for staff providing support for the residents. The apartment block will be transferred to a housing association who will own and manage the building and the apartments will be allocated through the City Council's common housing register. This development would provide a much needed resource, ensuring that people with a learning disability can live independently in the community, other schemes which have been developed like this in Newport have had an extremely positive effect on the quality of life for residents.
- 5.5 PUBLIC PROTECTION MANAGER (NOISE): Identifies conditions that should be applied to any permission granted including conditions as follows:
- Noise survey and mitigation as necessary.
 - Construction Environmental Management Plan.
 - Control over hours of work.
 - An advisory relating to air quality.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties with a common boundary and opposite the application site were consulted (16 properties). The following comments were received:

- Loss of privacy to rear gardens and rooms
- Perception of overlooking

- Loss of direct sunlight to gardens
- Flats are out of character with the area
- Unacceptable increase in traffic on Pillmawr Road
- High speed traffic in Pillmawr Road makes the access unsafe
- It is not clear what a supported living unit is
- Overbearing effect on neighbouring gardens and properties
- It will be a large building in an area of standard housing
- The design of the building is out of keeping with the area
- The building is too big for the plot
- Two perfectly good houses will be demolished
- This stretch of Pillmawr Road is heavily parked and accident prone, the proposed access will not be safe
- The proposal will harm local amenity
- The carparking area and bin store will be much busier than a garden for a house would be impacting on the amenity of neighbours
- The bin store will attract vermin and will smell
- Pillmawr Road is heavily parked, a parking survey should be undertaken
- Vehicles will cross the pavement to get from the site onto Pillmawr Road
- Parking reduces Pillmawr Road to a single lane leading to traffic conflict – the development will worsen this
- The site is surrounded by hedges
- Hedge loss will reduce privacy

Non-planning comments

- Loss of property value

6.2 COUNCILLORS: No comments received but Councillor Mayer has requested that the application be determined by Committee regardless of Officer recommendation.

7. ASSESSMENT

7.1 The Proposal

7.1.1 The proposal is to demolish an existing pair of semi-detached houses at 35/37 Pillmawr Road and replace them with a two storey block to provide 6No. 1 bedroomed flats. The building will have a communal lounge and a small office upstairs to provide a workspace for a carer. The flats will be 'supported living units' for occupation by persons who need a degree of assistance with day to day activities. The units would be provided by a Housing Association and the carer would be present during the working day to assist with day to day activities. A lift would be provided in the lobby and the units could be accessed by disabled persons.

7.1.2 The proposed building would be two storey with prominent gables facing out onto Pillmawr Road. The flats' living rooms would face onto the road with the rear elevation being effectively blank at second floor level to reduce overlooking of adjacent gardens in Pinewood Close which is at the rear of the site. Upstairs rooms at the rear would be lit by windows in the side elevations or via roof lights set above eyeline.

7.1.3 In terms of layout the new flats would be at the southern end of the site with parking at the northern end to provide 10 parking spaces including two disabled spaces. An existing low red brick wall would be removed to open up the frontage of the site and allow vehicular access.

7.1.4 In terms of boundary treatments the hedge on the South Eastern Boundary is to be removed and replaced by a retaining wall and 1.8m high close board fence. The hedge on the north eastern boundary with Pinewood Close is to be retained for the most part with a short section of 8m being replaced by close board fencing. All access will be suitable for wheelchairs with small ramps being provided on the proposed rear and side accesses.

7.2 Key Issues

The key issues in regard to this application are:

- The scale and massing of the proposed building – overbearing effect & intervisibility
- The design of the proposed building and the impact on the character and appearance of the area
- Light and Protected Windows
- Highways issues, access & parking
- Amenity of future residents
- Other issues
 - bin & cycle store
 - noise

7.3 Scale & Massing / Inter-visibility

- 7.3.1 The proposed building would measure 27.5m in breadth, 10.0m deep, 8.2m to the ridge and 4.9m to the eaves. For comparison the existing building is 14.2m at its widest, 10.7m at its deepest, 6.8m to the ridge and 4.8m to the eaves of the parts of the building closest to Pinewood Close. The proposed building has a greater mass than the existing one and will be slightly closer to the sensitive boundary with Pinewood Close than the existing building by approximately 1m. It would also have a significantly greater footprint.
- 7.3.2 The building will have a greater impact on Nos. 15, 17, 19 & 21 Pinewood Close. Under the current circumstances Nos. 19 & 21 are the most affected neighbours given their relatively shorter gardens and the closeness of the existing building on the site to those gardens. Nos. 19 & 21 are impacted upon by flat-roofed rear extensions presenting a blank elevation towards those two properties. This blank elevation is approximately 5m high whilst the proposed gable on the new building would be higher at approximately 8m. As such the massing of the new building would be much greater than the current arrangement. The existing blank elevation facing No. 21 is 25m² in area whilst the new gable would be 50m² in area and would present as three storeys rather than the current two storey structure. This would be a substantially greater area of masonry in close proximity to the boundary than is currently the case and a clear worsening of the overbearing effect on the garden of No. 21. The same is true of No. 19 with a substantially greater mass of masonry being brought closer to the boundary and adding to the currently existing overbearing effect upon the garden of that property.
- 7.3.3 By extending the footprint of the new building to the south east there would be a greater impact on the gardens of Numbers 15 & 17 Pinewood Close over and above the existing situation since there is no built development within this part of the application site currently. However the adverse impact would be reduced by the increasing depth of the gardens at the rear of Nos. 15 & 17 which measure approximately 18m in depth. However the benefit of those increased garden lengths is offset by the upslope relationship from these houses towards the site. Under the current arrangement these gardens have outlook which will be blocked by a mass of masonry set above these gardens. The impact will be overbearing on the gardens of Nos. 15 & 17. Site visits confirm these gardens are well maintained spaces and that the upper parts of the gardens (near the site boundary) are in regular use.
- 7.3.4 The New Dwellings Supplementary Planning Guidance (SPG) advises that garden depths should be minimally 10m and that a blank two storey elevation should not be within 14m of any protected window (a window serving a habitable room). In essence the proposal would retain the 14m separation between a blank two storey elevation and any windows to habitable rooms and would be acceptable in this regard. The 10m prescription on garden depth seeks to ensure there is sufficient outdoor amenity space for residents and makes sure there is minimally a 20m separation from habitable room windows that face each other thereby ensuring sufficient separation to maintain privacy in rooms. In this case the new building would have a blank rear elevation and in effect gives a slight betterment over the current situation where there are rear facing windows at Nos. 35 & 37. As such the views towards the rear gardens on Pinewood Close and towards windows are nil and therefore acceptable. Privacy standards would be maintained and even marginally improved.

- 7.3.5 The southernmost upstairs flat has a window in the side elevation facing towards 41 Pillmawr Road. The window to window separation would be approximately 30m and sufficient to protect privacy. The window would also offer views over the garden of No. 41. However there is a large shed in the bottom part of the garden of No. 41 and the boundary has significant amounts of mature vegetation under the control of No. 41 all of which act to block and filter views. Additionally there are already windows in the side elevation of 37 Pillmawr Road that face towards No. 41 although these would not be as close as the side window in the proposal. Overall any loss of privacy to the garden of No. 41 would be limited particularly given that the window serves a bedroom and would not be unacceptably harmful.
- 7.3.6 Therefore the key issue relates to the potential for overbearing impact on the garden areas of the affected houses in Pinewood Close. The SPG is silent on this specific point which therefore must be judged on the particular circumstances of any given application. In this instance the new building will be higher than the existing one and it will be higher closer to the sensitive boundary. In addition a longer extent of the boundary will be affected. The gardens to the rear of Nos. 15 & 17 are comparatively deep being approximately 18m long. This mitigates the overbearing impact of the southern end of the building to some extent but this benefit is offset by the upslope nature of the relationship. The new building and especially the rear gable will be significant in scale and close to the boundary and would clearly have an adverse and overbearing effect on the amenity of the users of those garden areas and would be a significant and unacceptable worsening over the current situation.
- 7.3.7 In terms of the shortest garden at No. 21 Pinewood Close this is currently dominated by a blank gable at close quarters. However the new gable would be higher, nearer and larger in area all to a significant degree. This garden is much shorter being only 9.8m deep and the garden drops away from the boundary meaning much of the garden is at a lower level than the application site. The increased massing and height at close quarters to the boundary in combination with the limited garden depth and the topography of the area means that the proposal will have a significant and adverse overbearing impact on the garden of No.21. This would be contrary to Policy GP2 (amenity) of the adopted Newport LDP.
- 7.3.8 The garden at No. 19 Pinewood Close is slightly longer being approximately 12m deep. Although the proposed gable would have some impact on this garden it would be much less than in the case of No. 21. In essence the proposal is two storey at this point with the roof slope reducing the bulk of the roof and a lowered eaves height further reducing the impact of this elevation. However whilst acknowledging this the new building would still present a larger frontage slightly closer to the site boundary than the current arrangement and it would make for a marginal worsening of an already poor arrangement. The amenity of the garden of No. 19 would also be reduced in an unacceptable way.
- 7.3.9 In conclusion the additional overbearing effect upon the rear gardens of Nos. 15, 17, 19 & 21 Pinewood Close is considered to be unacceptable and is contrary to Policy GP2i (local amenity) of the adopted NLDP and this weighs significantly against the proposal.

7.4 Design & Character and Appearance

- 7.4.1 The current position on the site is a pair of semi-detached cottages with blank gable ends facing the highway. Both houses have two storey, flat-roofed rear extensions and the pair continue to show a high degree of symmetry. However that said they are not attractive and are not notable in terms of design and materials. They lack merit individually, as a pair and as part of the streetscene although mapping suggests they have been in place since the 1870s successive modernisations have eroded any historic character they may have once had. As such their loss is not considered harmful. In any event they are not protected. The proposed design is simple and would produce a development that faces the highway bookended by two prominent gables. Materials are not specified but appear to be a mixture of brick, cladding and render with roof tiles. Materials can be controlled under condition should permission be granted. Overall whilst unremarkable the proposal will be adequate in design terms and a slight improvement over what is currently in place. Policy GP6 (Design) is complied with.

7.4.2 In terms of character and appearance of the area the existing pair of cottages are set in generous grounds. No. 37's garden is set behind a dwarf wall and a leylandii hedge with No. 35 having a longer garden set behind a low red brick wall. The removal of this wall to open up the parking provision is not considered detrimental to the character of the road. The provision of parking will 'harden' the site but areas of landscaping in combination with the retained hedging would reduce this impact. This part of Pillmawr Road has broadly speaking lost any rural character it may have once had although the western side of the road near this site still has a grassed bank and tree cover. The general character of the road is suburban with a variety of hard boundary treatments. As such the loss of the bulk of the garden areas on the site is not considered to be harmful to the character and appearance of the area which is any event mixed and includes a variety of treatments including hard boundaries such as close board fencing tight to the highway.

7.5 Loss of Light & Protected Windows

7.5.1 The New Dwellings SPG seeks to protect the light falling to protected windows in neighbouring dwellings. The test takes a point 2m from ground level and extends a line out at 25 degrees from horizontal perpendicular to the affected window. Notionally any new building should not intersect the 25 degree line. In this case the new building would be set up from the houses in Pinewood Close. Submitted drawings show that the 25 degree rule would be marginally broken in the case of No. 21 Pinewood Close (which does not have any rear extension), however this is considered a very marginal failure relating to the upper part of the proposed gable and not sufficiently harmful in terms of loss of light to warrant refusing planning permission. All the other properties in Pinewood Close pass the 25 degree test.

7.5.2 In terms of direct sunlight to the rear gardens the new development will be sited to the west / south west of Pinewood Close. As such the direct blocking of sunlight and overshadowing effect can be expected in the afternoon in relation to the gardens of 15-21 Pinewood Close. The existing building has some negative effect already but the mass of additional development will worsen this impact. The impacts of the current building on the gardens of Nos. 15 & 17 is slight but the proposal would have a significant adverse impact on the direct sunlight received by these gardens in the afternoon.

7.5.3 Consequently the proposal will significantly worsen the amenity of the gardens of Nos. 15 & 17 in terms of direct shading and will produce some worsening in relation to the gardens of 19 & 21 Pinewood Close. This will reduce the amenity of these garden areas in an unacceptable way and is contrary to Policy GP2 of the adopted NLDP.

7.6 Highways Issues, Access & Parking

7.6.1 The site lies in Parking Zone 3 (Urban) and requires 1 space per bedroom and 1 visitor space per 5 dwellings. This would be a total demand of 7 spaces for this scheme which is exceeded by the proposed provision. Two disabled spaces exceeds the requirements of the SPG for disabled parking. Required cycle parking would be for two bicycle stands, these can be secured under condition if permission were to be granted.

7.6.2 The Head of Streetscene comments on the need for suitable visibility for the access and considers that it can be provided on the site. The visibility splays will need to be identified and conditionally protected.

7.7 Amenity of future residents

7.7.1 The site will not any private outdoor amenity space. The new Dwellings SPG seeks a provision of a balcony of 2.25m² for a one bedroom flat. Additionally the SPG requires 15m² of communal amenity space per resident. The SPG does not specify that this should be outdoors but this is the implication. The Outdoor Playspace SPG suggests an occupancy of 1.5 persons per 1 bedroomed flat, that is 9 persons in this case. Therefore the outdoor provision should be 135m² (9 residents requiring 15m² each). The scheme offers a small area to the side and rear that would support sitting out and there is an indoor communal

area where residents could socialise. The approximate size of this outdoor area is 120m² which falls short of the SPG requirement and in any case the constrained nature of this space, squeezed between the rear of the building and the hedgeline or otherwise prominent to public view would tend to diminish the usability of this space. Additionally the siting of any bin store and cycle store is likely to further reduce this space and its general attractiveness to residents.

7.7.2 Overall these policy objectives are not met but the communal provision internally and the supported nature of the living arrangements means that the harm to Policy is reduced. However on balance the lack of sufficient and useable space weighs against the scheme and the overall objectives of the Policy are not met. Public Open Space is available 600m away at Westfield Drive which amounts to a significant walk to accommodate casual day to day use and would require crossing a dual carriageway and sloping ground so is unlikely to prove attractive as an amenity area for future residents especially any who are mobility impaired.

7.8 Other issues:

7.8.1 Bin & Cycle store: Details of these can be conditioned in the event that permission were to be granted although the potential impact on amenity space is noted above.

7.8.2 Noise: The Public Protection Manger advises that any permission should have conditions / informatives relating to:

- Noise survey and mitigation as necessary.
- Construction Environmental Management Plan.
- Control over hours of work.
- An advisory relating to air quality.

7.9 **Section 106 Planning Obligation matters**

Summary

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?
<i>Regeneration, Investment and Housing</i>	<i>to provide off site affordable housing</i>	<i>Commuted Sum for Offsite provision: £2747 per 1 bed flat (4 No. net gain) £10988 in total</i>	<i>As stated</i>	<i>N/A</i>

Heads of Terms Agreed by Applicant

As listed above with the payment being made prior to the occupation of the 4th dwelling in the event the flats are disposed of in the open market.

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.

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

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

8.6 ***Wellbeing of Future Generations (Wales) Act 2015***

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

9. **CONCLUSION**

9.1 The principle benefit of the scheme would be the provision of the supported living units which are identified as being needed in this part of the city. Other matters such as parking, access and design are acceptable and other issues such as visibility splays, noise, hedge retention and detailing (materials, bin & cycle store) could be addressed under any conditional regime.

9.2 The principle harm of the scheme relates to the significant worsening of the overbearing effect the scheme would produce in relation to the gardens of 15 to 21 Pinewood Close. The proposal would also reduce the direct sunlight received in these garden areas in an unacceptable way.

9.3 No harms are identified in terms of the privacy of the gardens in Pinewood Close but there would be a slight worsening in terms of overlooking towards the garden of 41 Malpas Road but this would not be unacceptable.

9.4 Overall it is concluded that the increased overbearing effect on the rear gardens and blocking of direct sunlight of Nos. 15 to 21 Pinewood Close is sufficiently harmful to outweigh the benefits of the scheme. The proposal would be contrary to Policy GP2 of the adopted NLDP having an unacceptably overbearing impact on the gardens of 15-21 Pinewood Close and unacceptably reducing the direct sunlight received by these gardens to the detriment of the amenity of the residents of those properties.

- 9.5 The proposal fails to provide any private outdoor amenity space and provides an inadequate amount of communal outdoor amenity space in a constrained and less usable form. This is contrary to the advice of the 'New Dwellings' SPG and Policy GP2 (amenity of future occupiers) of the adopted Newport Local Development Plan 2011-2026.

10. RECOMMENDATION

REFUSED

01 The proposal would be contrary to Policy GP2 of the adopted Newport Local Development Plan 2011-2026) having an unacceptably overbearing impact on the gardens of 15 to 21 Pinewood Close and unacceptably blocking the direct sunlight received in those gardens to the detriment of the amenity of the residents of those properties.

02 The proposal does not provide any private outdoor amenity space and insufficient levels of communal outdoor amenity space which is also provided in a constrained form of poor usability. This is contrary to the advice of the 'New Dwellings' Supplementary Planning Guidance and Policy GP2 (amenity of future occupiers) of the adopted Newport Local Development Plan 2011-2026.

NOTE TO APPLICANT

- 01 This decision relates to plan Nos:
Drawing PR3537 01A – Site Location Plan, Existing & Proposed Block Plan
Drawing PR3537 02 – Existing Layouts & Elevations
Drawing PR3537 03C – Proposed Layouts & Elevations
Drawing PR3537 04B – Existing Sections
Drawing PR3537 05B – Proposed Sections
Drawing PR3537 06 – Vision Splay & Parking Surface Details
- 02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP10, SP13, GP2, GP4, GP6 H2, H4, T4 & W3 were relevant to the determination of this application.
- 03 The following Supplementary Planning Guidance was relevant to this decision: Affordable Housing (August 2015), New Dwellings (August 2015) & Parking Standards (2015).
- 04 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.
-

APPLICATION DETAILS

No: 17/1192 **Ward:** *RINGLAND*

Type: FULL

Expiry Date: 18-APR-2018

Applicant: *SAM HILL, NEWPORT NORSE*

Site: *ST GABRIELS JUNIOR AND INFANTS SCHOOL, RINGLAND CIRCLE, NEWPORT, NP19 9PQ*

Proposal: *CONSTRUCTION 2NO. FENCING SECTIONS AND GATES OF 2.4M IN HEIGHT*

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks planning permission for the erection of 2no. 2.4m high boundary fence sections at St Gabriels Junior and Infants School, Ringland Circle, Newport.
- 1.2 The proposal seeks to erect two types of fencing around the front and side of St Gabriels Junior and Infants School. Along the eastern side of the site it is proposed to erect 2.4m high security weld-mesh fencing in green that would be approximately 95m in length. Along the front (south) of the site it is proposed to erect 2.4m high vertical rail fencing in green that would be approximately 140m in length. It is also proposed to erect 3no. double gates along the front elevation that would measure 2.4m high.

2. RELEVANT SITE HISTORY

95/0839	ERECTION OF 15 METRE HIGH TELECOMMUNICATIONS MAST WITH 2 OMNI-DIRECTIONAL ANTENNAE AND 1 SATELLITE DISH ANTENNA	GRANTED
10/1161	EXTERNAL CANOPY FOR OUTDOOR PLAY	GRANTED
12/0717	INSTALLATION OF SOLAR PHOTOVOLTAIC MODULES TO FLAT ROOF(S)	GRANTED

3. POLICY CONTEXT

- 3.1 Policies GP2 (General Amenity) 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 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 None.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): It is my understanding that the walls adjacent to the existing vehicle access will remain. The existing access arrangement will therefore not be affected and I would offer no objection to the application.

5.2 HEAD OF STREETSCENE AND CITY SERVICES (TREE OFFICER): No objections subject to conditions added.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties with a common boundary were consulted (18no. properties) and no objections have been received.

7. ASSESSMENT

7.1 There is currently 1.3m high green rail fencing running along the front of the school, however, it is in need of replacement due to the rundown nature of the fencing and the need to improve safety. Along the eastern side of the site the school abuts the rear gardens of properties of John Bull Close. The current boundary treatment consists of vegetation and various residential fences. It is proposed to erect the fencing in front of these.

7.2 In terms of amenity, the proposed fencing along the eastern side of the site abuts the rear gardens of neighbouring properties along John Bull Close. Currently the school has no formal boundary treatment here, and relies on the fences of gardens, and vegetation to act as a boundary. The proposed fencing will provide a safe and secure boundary treatment for the school, and the weld mesh design will not result in loss of light to neighbouring properties. The proposed fencing along the front of the school will not have an impact upon neighbouring properties in terms of loss of light or privacy due to the distance from neighbouring properties and its vertical railings. It is considered that the proposed fencing will not have a significant adverse effect on local amenity, it will not be detrimental to the visual amenities of nearby occupiers, and the increase in height of the fencing seeks to design out the opportunity for crime. Therefore, it is considered to be in accordance with policy GP2.

7.3 For part of its length along Ringland Circle, the higher fence will be seen against a backdrop of elevated playing field that banks down to pavement level. Whilst the overall effect will give the appearance of greater security and more formal enclosure to the school and grounds, there will be a high degree of visibility through the fence and it will not appear unduly dominant in the

streetscene. Fencing is a common feature at school sites. Currently on site there is no fencing alongside the eastern part of the site and the fencing that is along the front of the site is 1.3m high and is dilapidated and in need of replacement. The 2.4m high fence was suggested to provide a higher level of safety for pupils in the school, and as an improved security measure. The proposed scale and form of the development appropriately reflects the area. Policy GP6 (Quality of Design) states that good quality design shall be sought in all forms of development. The aim is to create a safe, accessible, attractive and convenient environment. Therefore it is considered that the proposed development is in accordance with policy GP6.

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

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

8.2 *Equality Act 2010*

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

9. CONCLUSION

9.1 The proposed development by reasons of its scale, location and design would satisfy policies GP2 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: Fence Location and Detail, Existing and Proposed Fencing, Weld Mesh Fencing Detail and Weld Mesh Fencing Panel.

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 operations of any description, (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection within the development, until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority to ensure that the tree roots are not damaged. The development shall be carried out in full compliance with the Arboricultural Method Statement unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect important landscape features within the site.

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

- Oversee working 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.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan, Fence Location and Detail, Existing and Proposed Fencing, Weld Mesh Fencing Detail and Weld Mesh Fencing Panel.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies 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.
