

Report

Planning Committee

Part 1

Date: 2nd May 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).

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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	<p>Ensure reasons for refusal can be defended at appeal.</p> <p>Ensure planning conditions imposed meet the tests set out in Circular 016/2014.</p> <p>Provide guidance to Planning Committee regarding relevant</p>	<p>Planning Committee</p> <p>Planning Committee</p> <p>Development Services</p>

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?
			material planning considerations, conditions and reasons for refusal.	Manager and Senior Legal Officer
			Ensure appeal timetables are adhered to.	Development Services Manager
Appeal lodged against non-determination, with costs awarded against the Council	M	L	Avoid delaying the determination of applications unreasonably.	Planning Committee Development Services Manager
Judicial review successful with costs awarded against the Council	H	L	Ensure sound and rational decisions are made.	Planning Committee Development Services Manager

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

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

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

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

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

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

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

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

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

Options Available

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

Preferred Option and Why

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

Comments of Chief Financial Officer

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

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

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

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

Comments of Monitoring Officer

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

Staffing Implications: Comments of Head of People and Business Change

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

Local issues

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

Equalities Impact Assessment and the Equalities Act 2010

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

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

Children and Families (Wales) Measure

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

Wellbeing of Future Generations (Wales) Act 2015

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

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

Planning (Wales) Act 2015 (Welsh Language)

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

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

Whether or not the Welsh language is a material consideration in any planning application remains entirely at the discretion of the decision maker.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. Objectives 1 (Sustainable Use of Land) and 9 (Health and Well-being) of the adopted Newport Local Development Plan (2011-2026) link to this requirement to ensure that development makes a positive contribution to local communities and to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

Consultation

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

Background Papers

NATIONAL POLICY

Planning Policy Wales (PPW) Edition 9 (November 2016)

Development Management Manual 2016

Minerals Planning Policy Wales (December 2000)

PPW Technical Advice Notes (TAN):

TAN 1: Joint Housing Land Availability Studies (2015)

TAN 2: Planning and Affordable Housing (2006)

TAN 3: Simplified Planning Zones (1996)

TAN 4: Retailing and Commercial Development (2016)

TAN 5: Nature Conservation and Planning (2009)

TAN 6: Planning for Sustainable Rural Communities (2010)

TAN 7: Outdoor Advertisement Control (1996)

TAN 8: Renewable Energy (2005)

TAN 10: Tree Preservation Orders (1997)

TAN 11: Noise (1997)

TAN 12: Design (2016)

TAN 13: Tourism (1997)

TAN 14: Coastal Planning (1998)

TAN 15: Development and Flood Risk (2004)

TAN 16: Sport, Recreation and Open Space (2009)

TAN 18: Transport (2007)

TAN 19: Telecommunications (2002)

TAN 20: Planning and The Welsh Language (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

1.
APPLICATION DETAILS

No: 17/1058 **Ward:** VICTORIA
Type: FULL
Expiry Date: 11-MAY-2018
Applicant: S EVANS, PINK STORAGE
Site: LAND TO SOUTH EAST OF 31, COVERACK ROAD, NEWPORT
Proposal: CHANGE OF USE TO CONTAINERISED SELF-STORAGE DEPOT

Recommendation: Granted with Conditions

1. INTRODUCTION

- 1.1 This application seeks consent for the change of use of land to a containerised self-storage depot. The site is within the Victoria Ward and is accessed via Coverack Road.
- 1.2 The site is currently vacant. It adjoins existing industrial land to the south-east and residential properties to the north and south. The site was formerly used for industrial purposes but has been vacant for many years.
- 1.3 The site is located within the settlement boundary and is considered to be brownfield.
- 1.4 The main considerations of this application are considered to be impact to neighbouring amenity and the character of the area, highways impact and flooding.

2. RELEVANT SITE HISTORY

03/1720	RESIDENTIAL DEVELOPMENT (OUTLINE)	Refused
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3. POLICY CONTEXT

- 3.1 SP1 – Sustainability favours proposals which make a positive contribution to sustainable development.
SP3 – Flood Risk ensures development is directed away from flood risk areas.
SP9 – Conservation of the Natural, Historic and Built Environment protects habitats and species as well as Newport’s listed buildings, conservation areas, historic parks and gardens, scheduled ancient monuments, archaeologically sensitive areas and landscape designated as being of outstanding historic interest.
SP18 – Urban Regeneration supports development which assists the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land.
GP1 – General Development Principles – Climate change states that development should be designed to withstand predicted climate change and reduce the risks and consequences of flooding, minimise energy requirements, reuse/recycle construction material and meet the relevant BREEAM or Code for Sustainable Homes Level.
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.
GP3 – General Development Principles – Service Infrastructure states that development will only be provided where necessary and appropriate service infrastructure either exists or can be

provided. This includes power supplies, water, means of sewage disposal and telecommunications.

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

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

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.

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

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

4. CONSULTATIONS

- 4.1 NATURAL RESOURCES WALES (FLOODING): Recommend that planning permission should only be granted subject to a condition requiring the containers to be set above 7.36 metres above Ordnance Datum (AOD) (Newlyn).
- 4.2 DWR CYMRU - WELSH WATER: It appears the application does not propose to connect to the public sewer, and therefore Dwr Cymru Welsh Water has no further comments. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application.
- 4.3 WALES & WEST UTILITIES: Provide details of apparatus in the area.
- 4.4 NEWPORT ACCESS GROUP: No response.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): The application will result in intensification of use of the junction at Coverack Road/Corporation Road. Visibility at the existing junction is severely restricted and therefore an improvement is justified. The applicant has submitted a proposal to alter the junction of Coverack Road/Corporation Road which will provide a significant improvement and result in visibility being achievable in accordance with current standards. The proposed layout is therefore considered acceptable. The footway on Coverack Road is to be extended along the frontage of the site so that a separate pedestrian access will be achievable up to the site entrance.

The applicant must contact Streetscene to apply for a S.278/111 agreement in order to carry out any works within the adopted highway. No works can take place until this agreement is in place and prior approval has been given. The applicant must also note that the highway works at Corporation Road will require a stage 3 and stage 4 safety audit.

I am satisfied that the access arrangements to the proposed site are acceptable and that a swept path analysis has successfully demonstrated that a vehicle transporting the containers can turn within the site and therefore access egress the highway in a forward gear. In terms of parking, it is my understanding that vehicles will be able to park informally within the site which is acceptable. Space is also available for these vehicles to manoeuvre and turn within the site. I would therefore offer no objection to the application subject to the following conditions:

- No works shall commence on site until the improvements to the layout of the junction of Coverack Road and Corporation Road have been completed.

- Prior to the commencement of development a CEMP must be submitted and include such details as contractor parking/compound, wheel wash facilities and dust suppression.
- The footway on Coverack Road is to be extended from its current limit, along the frontage of the site and up to the access. This must be completed prior to first use.
- Any vehicles servicing the site, including delivery and removal of containers, must not exceed the size of vehicles shown within the swept path analysis.
- The general arrangement of the site must be implemented as shown and the turning area must be kept clear at all times.
- Suitable drainage is employed to prevent surface water run off onto the adopted highway.

5.2 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS DRAINAGE): No response.

5.3 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): Does not object to the application but recommends that all vegetation works are undertaken outside bird nesting season.

5.4 HEAD OF LAW AND REGULATION (POLLUTION): Offers no objections to the proposals subject to conditions relating to construction hours and opening hours being restricted to between 8am to 8pm.

5.5 HEAD OF LAW AND REGULATION (POLLUTION): In reviewing the Preliminary Contaminated Land Risk Assessment submitted with this application, I agree with the overall findings and recommendations. I therefore recommend a watching brief condition is implemented on the application.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 50m were consulted (129 properties) and a site notice was displayed. 3no objections received with comments as follows:

- The area is predominantly residential and the proposed use is out of keeping;
- Access to the site would result in problems for residents and passing traffic being so close to the bridge;
- Concerns are raised about what would be stored in the containers particularly as they would be so close to residential properties;
- The proposals would result in increased traffic at all times of the day and night;
- Whilst it is appreciated that the area needs to be developed the proposed use is not suitable;
- There are many young families and older residents in the area and having a 24 hour business on their door step is unfair;
- Residents already have to contend with traffic noise from George Street Bridge and Corporation Road and congestion due to the junction with Corporation Road;
- Parking in the street is already limited and the proposals would result in a worsening of this situation;
- The proposals would result in property devaluation;
- The proposals would result in increased light pollution due to 24 hour operation;
- The site could become a target for theft and criminal activity due to storage of valuables.

6.2 COUNCILLOR MAJID RAHMAN: Requests the application is reported to Planning Committee. The application should be refused on the basis of two main issues. 1) It considerably affects the character and appearance of the area and 2) it will have a detrimental affect to the living conditions of neighbouring residents.

The site is located within a residential area and is outside of the City Centre and established business areas. The site is at the end of Coverack Road which is predominantly a residential area and the road itself is the only entry/exit road for three other roads. There are no commercial properties located within these roads. The development along the river Usk within the Victoria Ward has been residential. This application proposes changing the use of land within a residential area which will ultimately change the character and appearance of the already established area. The proposal would cause harm to the character and appearance of the area and would not accord with relevant the Local Development Plan (LDP).

As mentioned, Coverack Road also services three other neighbouring roads. Therefore my main concern is regarding highway safety particularly arising from further pressure on the junction of Coverack Road and Corporation Road and the inadequacy of parking provision for the development. The site is intended for customers to access 24 hours a day and would be for storage uses. Therefore, it would be right to argue that there is likely to be an increase of traffic with the potential of vehicles with trailers or vans accessing the site. This will add footfall and vehicle traffic in an already congested area. It is my opinion that the application seems to be a case of maximising the profitability of the site at the detriment of residents and the local environment.

7. ASSESSMENT

- 7.1 The site would have one entrance/exit situated to the west of the site off Coverack Road. Electrical security gates would be installed at the entrance and facility users would be given a pin to access the site and the site would not be accessible without this pin. The containers would each measure 6.1m in length, 2.4m in height and 2.4m in width. 104no green steel containers are proposed to be stored at the site.
- 7.2 It is proposed to clear the site of scrub and waste and level with a porous material. Shallow trenches would be dug for kerbstones used for supporting the containers. Internal roadways would be constructed. Security fencing would be installed along with low level lighting.
- 7.3 The applicant has an existing storage facility operating in Bridgend. The applicant advises that demand for such storage is high for the following reasons:
- (i) Containerised self-storage sites enable customers to access their belongings and equipment outside normal working hours and this flexibility has proven extremely useful to small business operators and those with obligations during working hours;
 - (ii) The trend for smaller housing with small garages, gardens and limited storage means that many householders require storage elsewhere;
 - (iii) There has been exponential growth in online trading in the form of small, independent pages, Ebay and Amazon shops. The owners of these operations require storage beyond that possible within their own homes but are not of a size where they can commit to larger warehousing facilities in terms of either the cost or longer-term leases;
 - (iv) Many businesses are highly seasonal in nature and their stock levels rise and fall accordingly. Given this fact, they need to be able to take up storage on short notice, and expand or reduce requirements rapidly. They seek affordable flexible storage and Pink Storage containerised units fulfil this demand.
- 7.4 The storage facility would be advertised online and via other marketing media. New customers will be required to sign an agreement which includes various rules for the use of the site, including how to park vehicles; respecting safety and speed limits; refraining from anti-social behaviour (tipping, littering and excessive noise). The on-site cameras will identify any customers who flout these rules and repeated offenders will have access to the site and the storage service withdrawn. The site will be managed remotely, but there will be frequent visits to the site by the area manager to ensure that it is well-maintained.
- 7.5 Turning to neighbouring impact and the acceptability of the proposed use at the site; there is an electricity pylon between the site and properties in Feering Street and this results in a good sized buffer between the site and properties on Coverack Road and much of Feering Street (at least 10m). A strip of land outside the applicant's ownership would be retained to the southern side of the site which would provide a good buffer (minimum of 12m) between the nearest containers and properties in Argosy Way. The properties in closest proximity to the containers would be no. 31 Coverack Road and no's 30 to 38 Feering Street. No. 31 Coverack Road is bounded by the site to the side and rear of its back garden. However, a minimum 1m planting strip is proposed along the site boundary here and the containers would be sited away from the boundary with this property. Similarly, a 2m planting strip is proposed at the rear of the nearest properties in Feering Street. Whilst the nearest containers would be sited within 2m of the rear garden boundaries of these properties, the gardens are of a decent depths having a depth of approximately 9.5m and

there would be a distance of at least 10.5m between the containers and the rear elevations of these properties.

- 7.6 The stacking of containers would not be acceptable due to the visual implications and potential over bearing neighbouring impact and it is recommended that a condition be imposed prohibiting this if Planning Committee are minded to grant planning permission.
- 7.7 Whilst the area is predominantly residential in character, as previously noted there are industrial uses in close proximity albeit accessed via Kelvedon Street and not Coverack Road and the site itself has a former industrial use and this is the lawful fall-back. Furthermore, the site is currently overgrown with vegetation and is subject to fly-tipping and the regeneration proposals have merit. It is considered that subject to suitable conditions to ensure that the containers are sited as proposed and hours of use, it is considered that the use is compatible with the surrounding residential use and would not result in a detrimental impact to neighbouring privacy or amenity. It is considered that suitable hours of operation would be between 7.30am and 9pm and this would need to be secured by condition if planning permission is forthcoming.
- 7.8 Turning to highways impacts, the application is accompanied by a Transport Statement which includes details of trip generation at other storage sites operated by the applicant. It indicates that the average hourly trip generation for containerised self-storage facilities is 0.0125 trips per container. Based on 108 containers (since reduced to 104) the site would generate an average of less than two trips per hour. It is anticipated that the maximum peak hour traffic flows generated by the site might be four to five trips per hour. The statement also provides swept path analysis relating to the delivery of the containers and a stage 1 safety audit has been carried out. The safety audit identifies a need for improvements to the layout of the junction of Coverack Road/Corporation Road consisting of new layout of road markings which is associated with a new priority junction to service the proposed container facility. The footway on Coverack Road is to be extended along the frontage of the site so that a separate pedestrian access will be achievable up to the site entrance. These works will need to be secured via a Grampian condition should planning permission be forthcoming. The applicant has demonstrated that vehicle trips associated with the use would be low and subject to the improvements to the junction of Corporation Road/Coverack Road it is not considered that the proposals would result in an unacceptable impact to highway safety. In order to ensure that disruption is minimalised as much as possible during the initial set up of the site and storage of the containers it is considered necessary to impose a Construction Management Plan condition.
- 7.9 The Head of Streetscene and City Services (Highways) confirms improvement in visibility is required at the junction of Corporation Road/Coverack Road and the supporting information is acceptable. No objections are offered to the proposals.
- 7.10 The application site lies partially within Zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). NRW Flood Map information, which is updated on a quarterly basis, confirms the site to be partially within the 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, a designated main river. NRW have reviewed the Flood Risk Assessment (FCA). NRW advise that The FCA has been informed by the latest NRW tidal model and is therefore fit for purpose. Further to this NRW note the following:
- It is unclear what the site range is.
 - During the 0.5% (1 in 200 year) plus climate change allowance (CCA) to the year 2090 the predicted flood levels are 7.36m AOD.
 - During the 0.1% (1 in 1000 year) plus CCA to the year 2090, the predicted flood levels are 7.69m AOD.
 - The proposed container floor levels are to be set above 7.36m AOD.
- 7.11 Based on the proposed level of 7.36m AOD the containers will remain flood free during the predicted 0.5% plus CCA event and is therefore designed to meet A1.14 criteria. NRW therefore

advise the above condition to set the finished container levels is included on any permission the Authority is minded to grant.

- 7.12 During the 0.1% plus CCA the site is predicted to flood to a depth of approximately 330mm which is within the tolerable limits set out in TAN 15. The FCA states that a low hazard route exists from the site onto Coverack Road and thence via Corporation Road onto George Street and over the George Bridge southwards. This remains a low hazard route in 2090.
- 7.13 NRW confirm that they have no objection subject to planning permission only being granted subject to a condition requiring the containers to be set above 7.36 metres above Ordnance Datum (AOD) (Newlyn).
- 7.14 Given the above and the low vulnerability of the proposed use it is considered that the development is acceptable in terms of flood risk.
- 7.15 The Council's Ecology officer confirms no objections are offered to the proposals but recommends that all vegetation works are undertaken outside bird nesting season.
- 7.16 Given the previous industrial use of the site a Preliminary Contaminated Land Risk Assessment has been submitted with this application. The Head of Law and Regulation has been consulted and recommends that a watching brief condition is imposed. Subject to this no objections are offered.
- 7.17 The comments of neighbouring residents are duly noted and have been addressed in this report. However, it should be noted that property devaluation is not a material planning consideration.

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 regeneration of this vacant urban site is considered to have merit and subject to suitable conditions it is not considered that the proposals would result in a detrimental impact to the character of the area or neighbouring amenity. The applicant has shown that the number of vehicle trips to the site is likely to be relatively low and subject to the junction marking improvement works it is not considered that the proposals would result in a detrimental impact to highway safety.

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

10. **RECOMMENDATION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: PL02.R4, PL05, S.089/2.

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 works shall commence on site until the improvements to the layout of the junction of Coverack Road and Corporation Road have been completed and the footway on Coverack Road extended along the frontage of the site fully in accordance with details to have first been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety.

03 Prior to the commencement of the use of the site for the storage of containers, full details of a landscaping/planting scheme shall be submitted to the Local Planning Authority and written approval received. The scheme shall show both hard and soft landscaping proposals and 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.

04 Prior to the commencement of the use of the site for the storage of containers, full details of lighting shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved lighting details and shall be permanently retained thus.

Reason: In the interests of the neighbouring and visual amenity.

05 Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, air quality*, vibration, dust** and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. Measures to minimise the impact on air quality should include HGV routes avoiding Air Quality Management Areas and avoid vehicle idling. Contractor parking/compound and wheel wash facility details shall also be provided. 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 and in the interests of highway safety.

06 Prior to the commencement of development, full details of the route and method of delivery of the containers to site shall be submitted to the Local Planning Authority and written approval received. The details shall include delivery days and times and details of any anticipated future requirement for delivery or removal of containers to and from the site. The development shall be carried out in accordance with the approved details.

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

07 Prior to the commencement of the use of the site for the storage of containers, full details of security measures and barriers and fencing shall be submitted to and approved by the Local Planning Authority. The security measures, barriers and fencing shall be carried out in accordance with the approved details prior to any the members of the public having access to the site and shall be permanently retained thus.

Reason: In the interests of security and neighbouring and visual amenity.

08 Prior to the commencement of the use of the site for the storage of containers, full details of surface water drainage measures shall be submitted to and approved by the Local Planning Authority. The drainage measures shall be carried out in accordance with the approved details prior to the storage of containers at the site and shall be permanently retained thus.

Reason: To ensure the site is adequately drained.

General conditions

09 Any unforeseen ground contamination encountered during development, to include demolition, shall be notified to the Local Planning Authority as soon as is practicable. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, 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.

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.

10 The access, size and general arrangement of containers shall be carried out strictly in accordance with the details shown on the approved plans and then maintained in such a state thereafter. Containers shall be green in colour and shall not be stacked or stored in areas other than shown on the approved plans and the turning area must be kept clear at all times.

Reason: In the interests of highway safety and the visual amenity of the area.

11 The hours of use of the containerised storage hereby approved shall be between 7.30am and 9pm seven days a week. Outside of those hours the site shall be closed to the general public.

Reason: In the interests of neighbouring amenity.

12 The containers hereby approved shall be set above 7.36 metres above Ordnance Datum (AOD) (Newlyn).

Reason: In the interests of flooding.

13 The maximum size of any vehicle delivering or removing containers to and from the site shall not exceed the size of the vehicle shown in the approved swept path analysis details.

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, SP9, SP18, GP1, GP2, GP3, GP4, GP5, GP6, GP7 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 must contact the Streetscene section of the Council to apply for a S.278/111 Agreement in order to carry out any works within the adopted highway. No works can take place until this agreement is in place and prior approval has been given. The applicant must also note that the highway works at Corporation Road will require a stage 3 and stage 4 safety audit.

APPLICATION DETAILS

No: 17/1081 **Ward:** ALLT-YR-YN

Type: RESERVED MATTERS

Expiry Date: 03-MAY-2018

Applicant: CHRIS DAVIDSON

Site: LAND TO REAR OF AND INCLUDING 1 AND 3, LLANTHEWY ROAD, NEWPORT

Proposal: RESERVED MATTERS APPLICATION (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) RELATING TO PHASE 2 (ALTERATIONS TO EXISTING BUILDINGS INCLUDING NEW BAY WINDOWS TO FRONT ELEVATIONS AND INCREASED HEIGHT TO 12M AND CONVERSION TO 8NO. 2 BEDROOM FLATS WITH ASSOCIATED OFF-ROAD PARKING) OF PERMISSION 14/0022 (VARIATION OF CONDITIONS 2 AND 3 OF PERMISSION 11/1017 FOR RESIDENTIAL DEVELOPMENT)

Recommendation: APPROVED WITH CONDITIONS

1. INTRODUCTION

- 1.1 The site comprises a pair of large, semi-detached dwellings known as 1 and 3 Llanthwy Road. The dwellings are situated within a large plot due to an amalgamation of a parcel of land at the rear which is elevated relative to the dwellings.
- 1.2 The site is located within a mixed commercial/residential area with properties to the north and east occupied by offices/businesses and No.5 Llanthwy Road in use as a dwelling. The site has the benefit of being within easy walking distance of the city centre and therefore has excellent opportunities for users to utilise public transport. The application site is located at a lower level than No.5 and the existing buildings, being two storey, are at a notably lower level than the properties to the north on Clytha Park Road at a four storey height.
- 1.3 There is extensive planning history associated with the site which is summarised in Section 2 of this report with an overview of the key decisions provided under Section 7.
- 1.4 This proposal seeks permission for all the reserved matters (access, appearance, landscaping, layout and scale) associated with Phase 2 of a residential development scheme granted permission on appeal by 14/0022. Phase 2 which is the subject of this application is associated with the parcel of land containing the dwellings of 1 and 3 Llanthwy Road.
- 1.5 Phase 1 comprised the construction of 4no. 2-bedroom residential units at the rear of the site and was considered on its own merits by the Planning Committee in February 2018. Whilst at the time the Council had received the application for Phase 2, it was a later submission and it was deemed that the most logical and appropriate approach was to consider the merits of Phase 1 in the first instance and then, if planning permission was forthcoming for that phase, the merits of Phase 2 could subsequently be considered, including its impact upon Phase 1. Phase 1 was approved with conditions.
- 1.5 This application is referred to Committee since the applicant is the spouse of a staff member of the Local Planning Authority.

2. RELEVANT SITE HISTORY

04/1330	Retention of use as an office.	Granted Conditions	with
04/1386	Erection of 1no. dwelling (outline).	Refused	but allowed at appeal
05/1455	Erection of 1no. dwelling (reserved matters relating to design and external appearance of the proposed detached dwelling approved by planning permission 04/1386).	Refused	
06/0472	Creation of new vehicular access (to proposed building plot).	Granted Conditions	with
06/1088	Erection of 1no. bungalow and 1no. dwelling.	Dismissed Appeal	at
06/1226	Variation of Condition 03 (provision of proposed parking and turning area) of planning permission 04/1330 (for retention of use as an office) to allow retention of existing parking layout.	Refused	
06/1402	Discharge of Conditions 01 and 02 of planning permission 06/0472 for the creation of new vehicular access (to proposed building plot).	Refused	
07/0835	Erection of a detached dwelling.	Granted Conditions	with
07/1594	Residential development (outline).	Refused	and allowed at appeal
08/0087	Mixed office (B1) and residential development (outline).	Refused	and allowed at appeal
08/1183	Change of use from office (B1) to single dwelling.	Granted	
10/0802	Proposed alterations to include enlargement of roof and rear extension and change of use of 1 - 3 llanthewy road to 6no. self-contained apartments (outline).	Granted Conditions	with
11/1016	Variation of Condition 01 (submission of reserved matters) of appeal decision app/g6935/a/10/2128834 for residential development.	Granted conditions	with
11/1017	Variation of condition 01 (submission of reserved matters) of appeal decision app/g6935/a/10/2128834 for residential development.	Granted conditions	with
14/0022	Variation of Conditions 2 and 3 relating to planning permission 11/1017 for outline residential development (to allow extension of time for submission of reserved matters and commencement of development)	Refused allowed appeal	and on
17/0960	Reserved matters application (access, appearance, landscaping, layout and scale) relating to Phase 1 (Construction of 4no. 2 bedroom residential units over ground floor garages and associated works) of	Approved conditions	with

permission 14/0022 (Variation of conditions 2 and 3 of
permission 11/1017 for residential development

3. POLICY CONTEXT

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

Policy SP1 Sustainability favours proposals which make a positive contribution to sustainable development.
Policy SP4 Water Resources favours developments that minimises water consumption, incorporates SUDs and generally manages water resources and drainage effectively.
Policy SP10 Housing Building Requirements states that provision is made for 11,623 units within the plan period in order to deliver a requirement of 10,350 units. The plan seeks to deliver 2,061 affordable units.
Policy SP18 Urban Regeneration supports development which assists the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land.
Policy GP1 General Development Principles – Climate Change states that development should be designed to withstand predicted climate change and reduce the risks and consequences of flooding, minimise energy requirements, reuse/recycle construction material and meet the relevant BREEAM or Code for Sustainable Homes Level.
Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
Policy GP3 General Development Principles – Service Infrastructure states that development will only be provided where necessary and appropriate service infrastructure either exists or can be provided. This includes power supplies, water, means of sewage disposal and telecommunications.
Policy GP4 General Development Principles – Highways and Accessibility states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.
Policy GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.
Policy GP7 General Development Principles – Environmental Protection and Public Health states that development will not be permitted which would cause or result in unacceptable harm to health.
Policy H2 Housing Standards promotes high quality design taking into consideration the whole life of the dwelling.
Policy H3 Housing Density seeks a density of at least 30 dwellings per hectare on sites of 10 dwellings or more.
Policy H8 Self Contained Accommodation and Houses in Multiple Occupation sets out the criteria for subdividing a property into self-contained flats. The scheme must be of appropriate scale and intensity not to unacceptably impact on the amenity of neighbouring occupiers and create parking problems; proposals must not create an over concentration in any one area of the city; and adequate noise insulation is provided and adequate amenity for future occupiers.

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

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

4. CONSULTATIONS

4.1 WELSH WATER

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Sewerage

We have no objection to the application for approval of the reserved matters subject to compliance with the requirements of the drainage conditions imposed on the outline planning permission, and the subsequent applications to vary the conditions thereon.

4.2 WALES AND WEST UTILITIES

No objections to the proposal subject to advisory notes.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS)

When taking into consideration the sustainability of the location and the proximity of a public car park, the proposed level of off street parking is considered acceptable.

I note that the applicant proposes an amendment to the exit point which will move vehicles away from the neighbouring boundary wall. This would provide an improvement in pedestrian visibility subject to a condition which restricts the height of any structures or planting in this area to a maximum height of 600mm.

A condition will be required which restricts the use of the access points to a circulatory 'in and out' system as shown by the applicant.

Whilst a refuse storage point has been proposed, an additional collection point should be provide adjacent to the highway to avoid a large collection of bins obstructing the footway during collection day.

It's not clear whether the applicant proposes to alter the boundary treatment to the front of the property. Any proposed changes will need to be submitted for consideration in order for any effect on visibility to be considered.

Subject to the above I would offer no objection to the application.

Further comments received following the submission of an amended Site Layout Plan

As previously stated, I'm satisfied that the site scores sufficient points, in accordance with the sustainability assessment, to justify a reduction in the parking requirement. The proposed number of spaces are therefore considered acceptable. I also note that the applicant has highlighted areas to be kept clear which will ensure that sufficient space is available for vehicles to access and egress the spaces and also for vehicles turn within the site in order to access and egress of the highway in a forward gear. I'm also mindful of phase 1 which was recently granted approval. I am however satisfied that the parking for phase 2 will not prejudice parking or access for phase 1.

I note that the applicant proposes to utilises a circulatory 'in out' system. I would question the enforceability of such a system however I accept that this type of access arrangement was accepted by the planning inspector.

The applicant proposes an amendment to the exit point which will move vehicles away from the neighbouring boundary wall. This would provide an improvement in pedestrian visibility subject to any structures or planting being limited to a maximum height of 600mm.

It's not clear whether the applicant proposes to alter the boundary treatment to the front of the property. Any proposed changes will need to be submitted for consideration in order for any effect on visibility to be considered.

I would offer no objection to the application subject to the following conditions:

- The parking layout, including areas to be kept clear, should be conditioned and retained in perpetuity.
- Enforcement of the proposed circulatory 'in out' system as proposed.
- No structures or planting exceeding 600mm in height shall be placed in the void between the modified south-westernmost access and the boundary with no.5 Llanthewy Road
- No gates can be erected within 5m of the edge of the highway.
- Details of boundary treatment adjacent to Llanthewy Road should be submitted for approval.
- Submission of a construction management plan which includes such details as contractor parking/compound, wheel wash facilities and dust suppression measures.

5.2 HEAD OF STREETSCENE AND CITY SERVICES (DRAINAGE)

No comments received.

5.1 HEAD OF LAW AND REGULATORY SERVICES (PUBLIC PROTECTION)

No objections to the proposal.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties with a common boundary and opposite the application site were consulted (48 addresses). No representations were received.

7. ASSESSMENT

7.1 *The '07' planning permission*

The outline planning permission (ref: 07/1594) allowed the residential development of the site. No details were approved with that permission (determined under the old outline planning permission requirements of essentially just requiring a red line boundary on a site location plan) and so it was deemed that the principle of residential development at the site was acceptable. The application was considered at appeal because Members were minded to refuse planning permission as the applicant was not willing to enter into a Section 106 agreement to secure leisure contributions sought. The appeal was allowed as the Inspector deemed that the nearest play area which would benefit from the leisure contributions sought by the Council was too far from the application site to be applicable to future users of the site.

7.2 *The '11' planning permission*

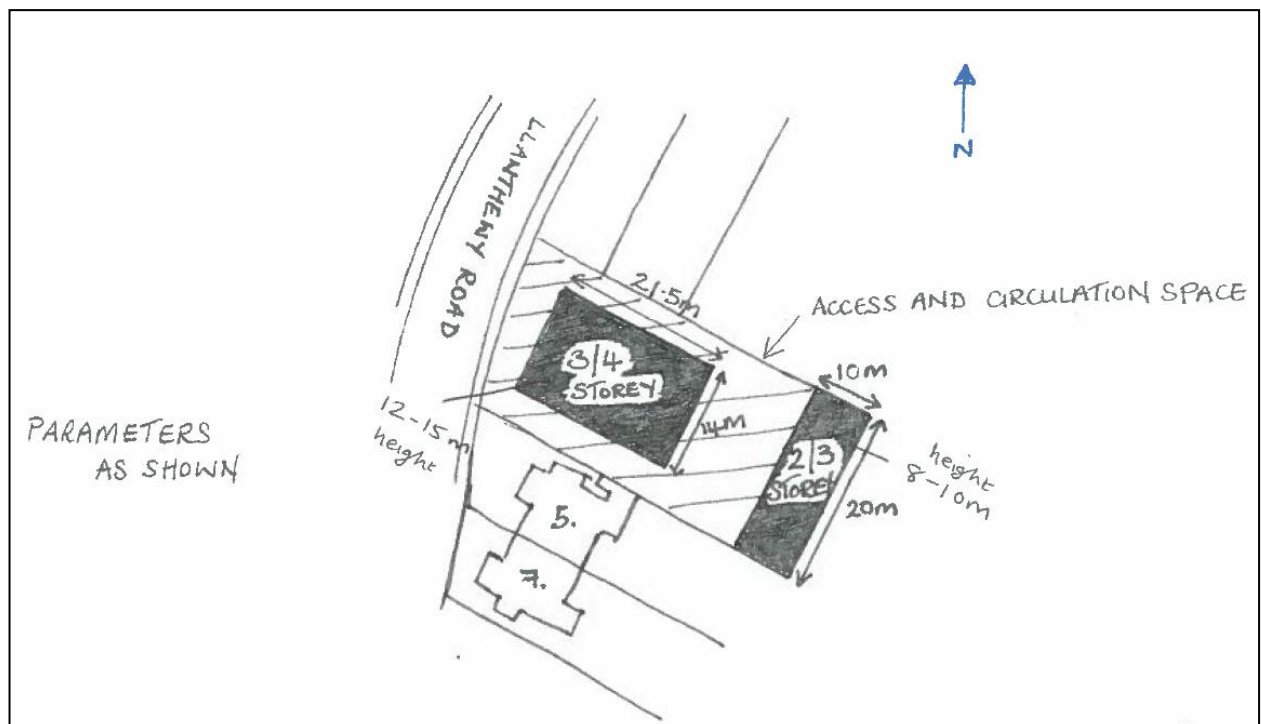
This application (ref: 11/1017) allowed the variation of condition 01, which related to the submission of reserved matters. The variation agreed allowed the site to be developed in a phased manner whereby details for one part of the site can be agreed and the development implemented, and potentially occupied, prior to the submission of reserved matters for the second part/phase of the site. It was agreed that there would only be two phases, being the front and rear portions of the land, to the development.

7.3 *The '14' planning permission*

This application (ref: 14/0022) sought to extend the timescales for implementation of the outline planning permission by extending the condition relating to the submission of reserved matters and also the standard five year condition (condition 02 and 03 respectively of 11/1017).

- 7.4 At the time, the primary policy context was unchanged to that considered with the previous applications as the Adopted Newport Unitary Development Plan was still in force. There had however been a couple of notable differences that were material to the consideration of the application, namely updated or new Supplementary Planning Guidance and changes in legislation relating to the amount of information required with outline planning submissions
- 7.5 This application included a Design and Access Statement and a plan to show an indicative layout, indicative access points to the site and scale parameters for the building(s) proposed.
- 7.6 The indicative layout (Figure 1) showed access directly from Llanthewy Road, as per the current arrangement, and 2No. buildings. A building at the front of the site and on a comparable building line of the existing built form at the site was shown with an upper depth limit of 21.5m, an upper width limit of 14m and a maximum height limit of 12m.
- 7.7 The building at the rear of the site was shown with an upper depth limit of 10m, an upper width limit of 20m and an upper height limit of 10m. The applicant had also clarified that the proposal sought permission for up to 12 units. All matters had been reserved for subsequent approval.

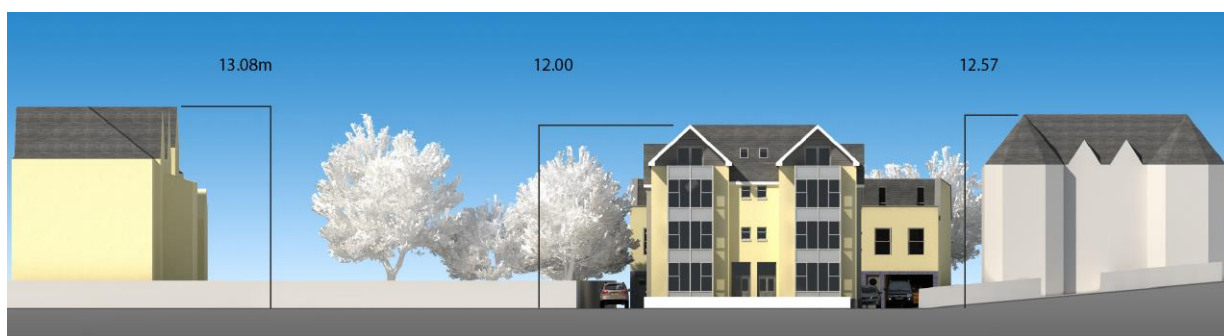
Figure 1 – Indicative Layout Plan submitted with 14/0022



- 7.8 The Design and Access Statement which accompanied application 14/0022 explained that the existing pair of semi-detached properties known as 1-3 Llanthewy Road would either be completely demolished and a new building would be provided at the site frontage or the existing pair would be extended in a manner that would be within the scale parameters of the permission being sought.
- 7.9 The '07' and '11' applications provided no parameter plans or supporting plans and those applications were determined on the basis that the principle of residential development at the site would be acceptable. On that basis, any residential development of the site ranging from a single dwelling to a much larger development involving a number of units could have come forward at the reserved matters stage. It is at the later stage when an assessment of more detailed matters such as scale, layout, parking, landscaping, amenity area, storage areas etc would have taken place.

- 7.10 However, due to a change in statute, application 14/0022 needed to include a greater amount of detail including an indicative layout and to specify the scale parameters of any buildings to be included in the scheme. The applicant had also specified that up to 12 units was to be considered at the site.
- 7.11 Whilst the '11' application allowed the principle of a phased development of the site, the Council considered that the indicative layout plan, scale parameters and the proposed number of units submitted with application 14/0022 presented a scheme which was not appropriate for phasing.
- 7.12 Application 14/0022 also required consideration being given to new issues that were material and not present during the consideration of the previous applications, namely updated or new Supplementary Planning Guidance. The merits of the scheme was therefore revisited and the Committee report concluded that:
1. It had not been proven that 12No. residential units with associated parking, amenity area(s) and servicing requirements could be acceptably provided within the layout and scale parameters indicated with the application and also that a 4 storey building at a maximum height of 12 metres at the frontage of this site would be acceptable within the street scene.
 2. The updated Planning Obligations SPG explained that contributions are secured against outline applications, where the exact scale, mix and type of dwelling are not known, on a formula basis and final confirmation of the contributions is calculated at the time of the submission of the future reserved matters. Therefore, while at the time of writing the Committee report there was spare capacity at the local schools, this may not be the case at the time of the submission of the reserved matters application and the formula secured within a Section 106 agreement would calculate the appropriate level of planning contributions. The applicant did not agree enter into a legal agreement stating that the request is unreasonable and not necessary.
- 7.13 Planning Committee refused permission on these grounds.
- 7.14 An appeal was lodged and the appellant provided additional plans to demonstrate to the Inspector how the site could be developed to accommodate 12 residential units that were compatible with the proposed indicative site layout plan (Figure 2).

Figure 2: Drawings submitted at appeal stage of 14/0022



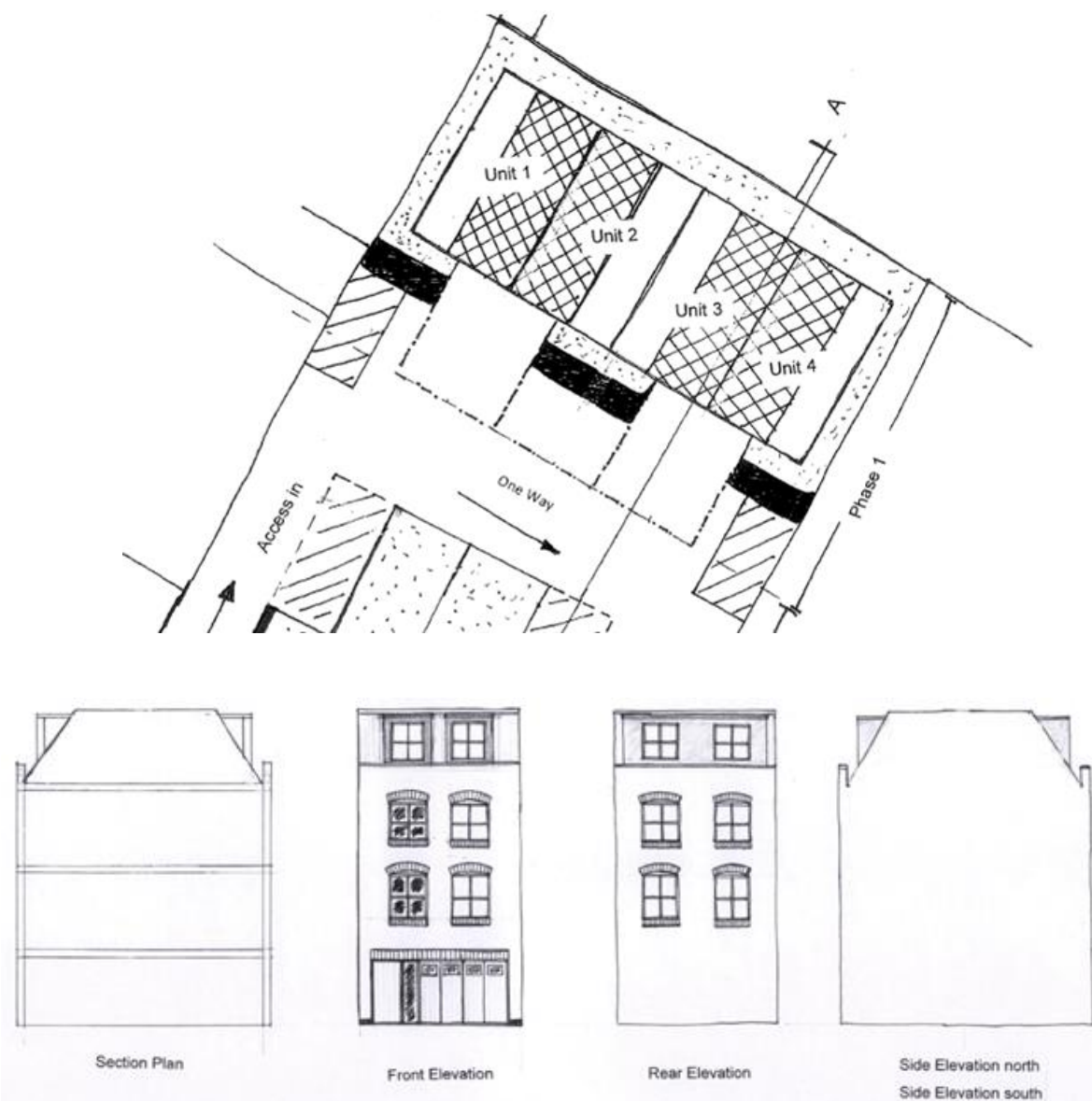




- 7.15 The Inspector did not agree with the Council's assessment of the application. In her response, the Inspector stated: (Paragraph 3) "The appeal proposes the variation of conditions 2 and 3 relating to planning permission 11/1017 in accordance with Section 73. In accordance with the requirements of Section 73(2) the appeal will consider the question of varying these conditions and not revisit the principle of development". (Paragraph 12): "An application to vary a condition under Section 73, if permitted, leaves the original permission extant and unaltered and the principle of development is not at risk".
- 7.16 With respect to the first reason for refusal, the Inspector considered that the indicative information demonstrates clearly that the site is suitable for, and capable of being developed for residential purposes without harm to the character and appearance of the area.
- 7.17 Turning to the Planning Obligations issue, the Inspector considered that because of the size of the development, and the lack of evidence to suggest that there are capacity issues at the catchment schools, the need for a contribution towards education provision has not been demonstrated.
- 7.18 For these reasons the Inspector concluded that the appeal should be allowed. This essentially resulted in the re-imposition of all the conditions that were attached to permission 11/1017 but with conditions 2 and 3 amended to extend the period of time for the submission of reserved matters and the commencement of development (beginning from the date of the Inspector's decision letter). This also included the ability for the development to be brought forward in a phased manner.
- 7.19 ***The '17 (Phase 1)' planning permission***

Phase 1 comprised the construction of 4no. 2-bedroom residential units at the rear of the site and was considered on its own merits by the Planning Committee in February 2018 (17/0960). Figure 3 shows the plans associated with Phase 1.

Figure 3: The approved Phase 1 17/0960



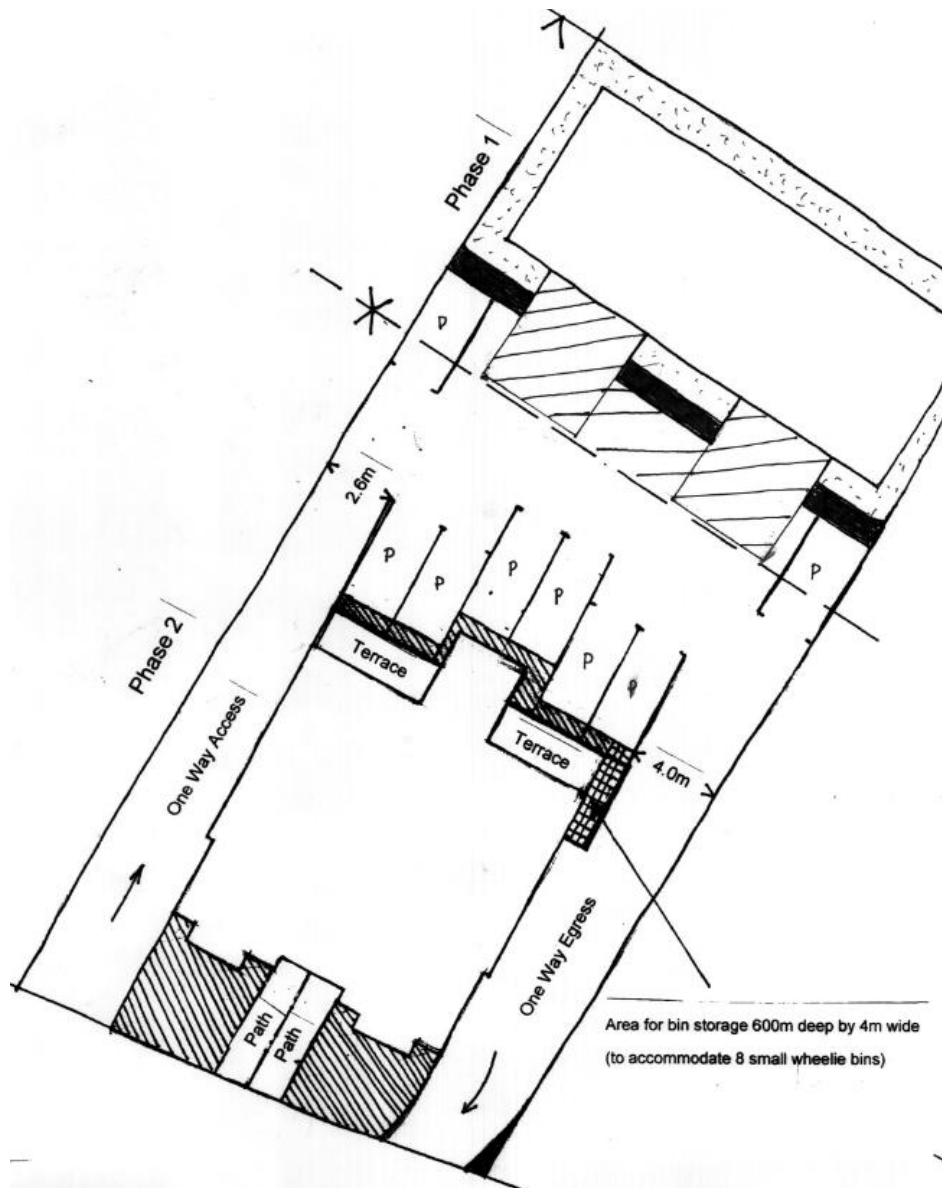
7.20 It was deemed that the Inspector's decision regarding the allowed appeal for 14/0022 was a significant material consideration in the determination of the proposal and posed limitations on the scope of what the Authority can consider to be acceptable at the reserved matters stage. Having regard to the overall merits of the proposal and in the context of the appeal decision, it was considered that the scheme, on balance, was broadly acceptable and would not have such an adverse effect on visual amenity, residential amenity, drainage/services, parking and highway safety. The development was approved with conditions.

7.21 **The proposal**

This submission seeks permission for all the reserved matters (access, appearance, landscaping, layout and scale) associated with Phase 2 of the development. Phase 2 represents the development at the front of the site and consists of the enlargement and conversion of 1-3 Llanthewy Road to 6 x 2-bedroom flats. 1-3 Llanthewy Road is currently occupied as two separate dwellings. The proposed development as a whole (Phase 1 and 2 inclusive) would provide a residential development involving 12 units and is within the parameters of the outline

permission 14/0022. The proposed site layout plan (Phase 1 and 2 inclusive) is shown below in Figure 4.

Figure 4: Proposed Site Layout Plan



- 7.20 As explained in paragraph 7.8 of this report, the outline permission had the option of either completely demolishing 1-3 Llanthewy Road and constructing a new building at the site frontage or the existing properties would be extended in a manner than would be within the scale parameters of the permission being sought. This Phase 2 submission involves the latter option, utilising the existing building.
- 7.21 The planning history of the site demonstrates that the principle of the development is well-established. The Inspector's decision letter associated with 14/0022 reinforces this position in that it specifically states that consideration was given to the indicative plans and that this was associated with a scheme of up to 12 residential units (Paragraph 9 and 10 refers).
- 7.22 Whilst it is acknowledged that the detailed design of the development is left for reserved matters applications (such as this submission), the Inspector's decision upon the outline permission is material to the determination of this application. It is also noted that the site is located within the urban area and is not subject to any significant land-use constraints such as those identified by the adopted Newport Local Development Plan (NLDP). This proposal is considered to be a windfall

site which seeks to utilise two large dwellings to provide eight much needed units in a relatively central location of Newport. In this regard, the proposal is generally supported by Policies SP10 and SP18 of the NLDP.

7.23 Visual Amenity

This Phase 2 proposal involves the enlargement and conversion of 1-3 Llanthewy Road to 6 x 2-bedroom flats. Policy H8 of the NLDP permits developments which are appropriate in scale and intensity of use which does not harm the character of the building and locality, and does not cause an unacceptable impact in amenity (future occupiers and neighbouring properties), and does not result in onstreet parking problems. This building would be within the scale parameters of the outline permission allowed by the Inspector which includes a height of 12m. The elevations of this building is shown below in Figure 5:

Figure 5: Proposed apartment block (Phase 2)



7.24 The proposed elevation plans, although lacking key detailing of important features of the building, is a reasonable representation of the 3D drawings submitted with the appeal for 14/0022 (see Figure 2).

7.25 The block of flats would be mainly visible from Llanthewy Road, with visibility spanning from the Llanthewy Road/Clytha Park Road roundabout to the road linking with Bryngwyn Road. The proposed development would essentially involve the construction of an additional storey to the building. The basic shape and form of the building would be retained, mainly a twin bay-window frontage and a pitched roof. The rear of the building would involve the demolition of a single-storey extension and the construction of a stairwell which reaches the new upper floor. This stairwell would have a smaller footprint than the existing single-storey extension. Balconies would be provided on either side of the stairwell at first and second floors. The plans indicate that the overall appearance of the building would be modernised with changes to the style of the bay windows on the front elevation, fenestration and opening details and external finishes.

- 7.26 There are some variations in scale, design and appearance of buildings within the vicinity which enables a degree of flexibility to be applied to the proposed development at the application site. Whilst a brick façade would be a more harmonious choice of external finish given that the majority of properties along this part of Llanthewy Road are brick-faced, the elevations of the existing pair of semi-detached properties have been rendered therefore a continuation of this finish within the new development would not be too discordant so as to have an adverse impact on the visual amenities of the area. The use of render is considered appropriate on the secondary elevations (sides and rear) since they would be predominantly seen from Clytha Park Road and Caerau Road which contain some rendered buildings. A light coloured render finish would also assist in reducing the impact of the scale and massing of the development, particularly in the interests of visual amenity where a passive elevation is appropriate. It is also acknowledged that whilst several buildings within the area have reasonable design merit, the site is not located within a Conservation Area nor is it immediately adjacent to a listed building.
- 7.27 In addition to the above, it is noted that properties facing Clytha Park Road which can be seen from the site frontage are 3-4 storeys in height whilst Llanthewy Road is largely built on a hill with 2-3 storey properties built on levels which respects the topography. In this particular context, it is considered that the proposed scale and massing of the development, particularly when viewed along the site frontage, could be reasonably accommodated within the site without significant harm to visual amenity.
- 7.28 Less prominent views of the development would be possible from Clytha Park Road. This would be the side and rear elevations of the proposed block of flats, mainly across private accesses/parking areas or voids and vistas between buildings with the approximate distance from the nearest public position being around 50m. It is considered that this distance, coupled with the relationship of the proposed development with the topography, scale and massing of its surroundings, would not result in a development that would have a significant adverse effect on the visual amenities of the area when viewed from the vicinity of Clytha Park Road.
- 7.29 Caerau Road offers the least public visibility of the site from the immediate surroundings. This is mainly due to the rather dense positioning of buildings which limits the space and opportunities to obtain clear views of the site. Furthermore, buildings along this side of Caerau Road are generally two or three storeys in height and are positioned at a higher level than the application site. As such and acknowledging that the Phase 1 development would be positioned between the Phase 2 site and the properties on Caerau Road, it is considered that the proposed block of flats would not be significantly visible from Caerau Road nor would they have a significant adverse effect on the visual amenity of the area.
- 7.30 Consideration is also given to the Inspector's appeal decision letter associated with application 14/0022 concerning the Phase 1 development. The Inspector explains: *"The Council has confirmed that it now agrees that a 4 storey building of up to 12 metres in height would not cause harm to the character and appearance of the street scene, and as a consequence the second part of the first reason for refusal has been addressed. I have reviewed the plans provided and am satisfied that a scheme could be designed that would not cause harm to the character and appearance of the street."*
- 7.31 Given the similarity between the appeal proposal and this reserved matters application, it is considered that the appeal decision holds significant weight and it is concluded that the proposal would not have any significant adverse effect on the visual amenities of the area, thereby satisfying Policies H8, H2 and GP6 of the NLDP. It is also considered that the cumulative effect of both Phase 1 and Phase 2 would not result in a development which would appear unduly overdeveloped or have an unreasonable adverse effect on the visual amenity of the area.
- 7.32 Notwithstanding the above, whilst the bulk of the external finishes of the block of flats is generally acceptable, namely rendered elevations and a slate roof, some details are absent and it is considered necessary to impose a condition for all external finishes to be agreed. Furthermore, whilst the 3D images is helpful to provide some understanding into the vision of the development,

the architectural drawings are rather basic and it is considered necessary to impose a condition to control the design detail associated with the bay windows and associated gable roof overhang on the front elevation of the block and the design and appearance of all external windows and doors. Subject to those conditions it is considered that the proposed dwellings would not have an unreasonable adverse effect on the character and appearance of the streetscene or on the visual amenity as a whole, thereby satisfying Policies H8, H2 and GP6 of the NLDP and general advice within Supplementary Planning Guidance: Flat Conversions (SPG: FC).

- 7.33 The site currently does not have any significant amount of trees or vegetation of high amenity value which requires retention. The proposal offers limited scope for soft landscaping given the amount of hardstanding necessary to support the access and parking areas. Nevertheless, the submitted plan lacks detail on the type and finishes of the hard/soft landscaping and boundary treatments, particularly in the central section of the site frontage and in and around the rear amenity spaces. To ensure successful integration with its surroundings and in the interests of visual amenity, highway safety and residential amenity, it is considered necessary to impose a condition for all hard/soft landscaping and boundary treatments to be agreed. This satisfies Policies GP6 and H8 of the NLDP and SPG: FC
- 7.34 **Residential Amenity**
The site is located within a mixed commercial/residential area with properties on the opposite side of Llanthwy Road (2-4), 8-13 Clytha Park Road and 76-80 Caerau Road being offices/businesses. As a result of this, it is concluded that the proposed block of flats, as extended, would not have any significant adverse impact on the amenities of the occupiers of these buildings, with particular regards to dominance and loss of light, outlook and privacy. Whilst new habitable room windows would be inserted on the northern (side) elevation of the block of flats facing Clytha Park Road, these would face non-residential buildings and non-habitable spaces. As such, it is considered that this arrangement would not result in any unreasonable loss of amenity to neighbouring properties, thereby satisfying Policies H8 and GP2 of the NLDP and SPG: FC.
- 7.35 Nos.6 and 8 Llanthwy Road are directly opposite the site and appear to be in residential use. Whilst an additional floor would be added to the existing building on the application site to form the block of flats and that the uppermost part of the front façade would contain a balcony, it would be over 21m away from the front elevation of Nos.6 and 8 and existing building-lines would be maintained. It is therefore considered that the proposal would not have any significant adverse effect on the amenities of the occupiers of Nos.6 and 8 with specific regards to dominance and loss of light, outlook and privacy, thereby satisfying Policies H8 and GP2 of the NLDP and SPG: FC.
- 7.36 No.5 Llanthwy Road is located to the south of the Phase 1 site. It is a two-storey dwelling with the proposed block of flats sited forwards of the building-line of No.5. Given the topography of the land, No.5 is sited on a higher level to the application site and there is a brick wall with fencing on top forming the dividing boundary. The side elevation of No.5 which is adjacent to the application site contains a ground floor porch with two windows located on the first floor. No.3 Llanthwy Road currently has several habitable room windows facing No.5 and whilst the proposed block of flats (as extended) would include additional windows on its side elevation, it is considered that this would not unreasonably worsen the existing privacy and amenity of No.5. The concerned windows of No.5 are located on the elevation facing north and having regard to the movement of the sun, it is considered that the windows would not result in any unreasonable loss of sunlight. Whilst increasing the scale and massing of the application property is likely to have some dominating impact on the concerned windows of No.5, the scale parameters of the Phase 1 building was agreed at the outline appeal stage, with the Inspector having clear regard to the indicative site plan and illustrative 3D images (Figures 1 and 2 refers). As such, it is considered in this particular instance that the proposed development is acceptable with no unreasonable loss of amenity to the occupiers of No.5. Since the application property is sited forwards of the building-line of No.5, the development associated with Phase 1 would not have an unreasonable impact on the private external amenity spaces of No.5. Whilst part of the circulatory access lane serving

Phases 1 and 2 would be located immediately adjacent to No.5, the difference in levels between the two sites and a tall dividing boundary treatment would not result in an arrangement which would cause unreasonable disturbance or loss of amenity to No.5. Having regard to the overall impact of the development upon No.5, it is considered that the proposal satisfies Policies H8 and GP2 of the NLDP and SPG: FC.

- 7.37 The rear elevation of the proposed block of flats would face the front elevation of the four dwellings approved as Phase 1 (17/0960 refers). The proposed site layout plan demonstrates the relationship between the two phases. Excluding the proposed 4m x 3.5m enclosed stairwell at the rear of Phase 2, the distance between the habitable parts of both buildings would be approximately 18-19m (wall to wall). Whilst this is below the distance of 21m recommended the SPG, this relationship was a matter in which the Inspector considered at the appeal for 14/0022 (see Figures 1 and 2) and was accepted in the determination of the Phase 1 application. As such, it is considered that in this particular instance, that this aspect of the scheme is acceptable and would not result in any unreasonable loss of amenity to the future occupiers of the units within Phase 1 or 2, thereby satisfying Policies H8 and GP2 of the NLDP and SPG: FC.
- 7.38 Extending from the rear elevation of the proposed block of flats would be outdoor amenity spaces serving six of the eight flats. The two ground floor flats would have access to a private terrace measuring approximately 2.5m x 5m. The four flats spanning the first and second floors would have access to a private balcony measuring approximately 2.3m x 4m. The two loft flats would a Juliet-style balcony would be fitted on the rear elevation to serve the open-plan kitchen/living room but would benefit from a small balcony (approximately 2.8m x 0.7m) located on the front elevation. The indicative plans that the Inspector's had seen by the allowed appeal for 14/0022 did not show a development which had a significant amount of outdoor amenity space (Figures 1 and 2 refers). It is also noted that the site is within a relatively central location of Newport and that there are a number of flats nearby which have little or no private amenity space, inclusive of the approved Phase 1 development. The proposal therefore is considered, on balance, to satisfy Policies GP6, GP7, H2 and H6 of the NLDP and advice within SPG: FC.
- 7.39 The external spaces at the rear of the block of flats would bring the distance between Phase 1 and 2 to approximately 16.5m-17.5m. Having regard to the Inspector's appeal decision for 14/0022 and given that this involves outdoor space associated with development in a relatively dense urban where the topography of the surrounding land does allow instances where mutual or causal overlooking between properties is commonplace, it is considered that this arrangement would not result in an unreasonable loss of amenity to future occupiers of Phases 1 and 2. The casual overlooking would also occur from windows serving the stairwell however this would not be unreasonably harmful to the occupiers of neighbouring properties. It is however considered necessary to impose a condition for the ground floor terrace and balconies to be implemented prior to their first beneficial occupation and that the ends of the balconies to be fitted with a 1.8m high privacy screens, to ensure that an acceptable standard of amenity is secured for future occupiers of the units and for neighbouring properties. Having regard to the above, it is considered that the proposal satisfies Policies H8 and GP2 of the NLDP and advice within SPG: FC.
- 7.40 Extending beyond the rear external spaces would be parking areas for the block of flats followed by the circular access route serving both phases of the overall development. This arrangement is generally in accordance with the drawings and images considered by the Inspector during the appeal for 14/0022.
- 7.41 The side elevations of 1-3 Llanthewy Road contain habitable room windows and these face their own private drives alongside. These windows would be retained as part of its conversion to a block of flats, however given the inclusion of the Phase 1 development at the rear of the site and the circulatory access route, there will be instances where occupants from the dwelling within the Phase 1 development would transverse immediately adjacent to the ground floor habitable windows. Whilst this arrangement is not ideal as it could give rise to loss of privacy and disturbance, the layout of the overall development site is similar to that considered by the

Inspector during the allowed appeal for 14/0022. It is therefore considered in this particular instance that the scheme is acceptable and satisfies Policies H8 and GP2 of the NLDP and SPG: FC..

- 7.42 Each flat would have an internal floorspace of approximately 72 sqm, which is above the 60 sqm requirement of a converted 2-bed flat, as stated within SPG: FC. The habitable rooms of each flat would contain a reasonable standard of amenity with particular regards to light, outlook and privacy. Whilst one of the bedrooms in each of the two flats on the third floor would be reliant on two velux-type window as means of outlook and light, this is deemed to be attributed to the second 'box' bedroom and the inclusion of two roof windows is proportionate to the size of the room. It is also considered that the overall standard of amenity associated with these units is, on balance, acceptable given the location of the site in a dense urban area, thereby satisfying Policies H2, H8 and GP2 of the NLDP and SPG: FC.
- 7.43 The Head of Law and Regulatory Services (Public Protection) has no objections to the proposal which further assist the Authority to reach the conclusion that, on balance, this proposal would provide an overall standard of amenity which is acceptable. The block of flats would not benefit from permitted development rights thereby ensuring that it would not be possible to undertake further development without first obtaining planning permission. Having regard to the above, it is considered that the occupiers of the proposed flats would have an acceptable standard of amenity, thereby satisfying Policies H8 and GP2 and GP7 of the NLDP and SPG: FC.
- 7.44 **Highways and Parking**
This application proposes to extend and convert 1-3 Llanthewy Road into a block of 8 x 2-bed flats. These properties would be accessed from Llanthewy Road via a circulatory route which travels alongside and to the rear of the block.
- 7.45 The site layout plan shows that parking would be provided at the rear of the block with 6 spaces backing onto the rear elevation providing one space per flat. Two visitor spaces would also be provided with one space on each flank abutting the four dwellings approved under Phase 1.
- 7.46 In transportation terms, the site is located within a relatively sustainable area and the applicant has provided a sustainability assessment to demonstrate a reduction in the number of parking spaces required. The Head of Streetscene and City Services (Highways) holds significant weight to the Inspector's appeal decision on 14/0022 which raised no significant issues with regards to parking or highway safety matters associated with the principle of residential development of up to 12 units on this site.
- 7.47 The indicative plans before the Inspector incorporated a circulatory system. Whilst the Head of Streetscene and City Services (Highways) indicates that this is not a type of arrangement which is often considered acceptable, it is accepted in this particular instance due to the conclusions of the Inspector within the appeal decision.
- 7.48 The Highways Officer explains that it would be important to ensure that vehicles are able to enter and leave the site from a particular access point as otherwise conflict may arise when vehicles use the same access but travelling from opposing directions. Whilst this is fully acknowledged, it would be difficult to enforce such a condition if imposed.
- 7.49 It would however be possible to impose a condition for a scheme of entry/exit signage which would encourage drivers visiting the site to use the circulatory route in the manner that it is intended (i.e. a one-way system). Such a condition was accepted and imposed on the approval for the Phase 1 development.
- 7.50 The proposed site layout plan shows that the side exit point would be modified to move vehicles away from the neighbouring boundary wall. This would provide an improvement in pedestrian visibility and a condition would be required which requires this modification to be implemented prior to the occupation of any of the proposed flats and a further condition which requires any

structures or planting in this area to a maximum height of 600mm. Such conditions were accepted and imposed on the approval for the Phase 1 development.

7.51 A number of other conditions have been recommended by the Head of Streetscene and City Services (Highways). These include:

1. The submission of a Construction Environmental Management Plan
2. The implementation and demarcation of the parking layout shown on the proposed site layout plan and a requirement for them to be retained in perpetuity
3. The requirement for the turning areas (identified by 'area to be kept clear' on the proposed site layout plan) to be implemented and kept clear in perpetuity.
4. No gates will be permitted at the access point in order to avoid any vehicles having to wait on the highway whilst the gates are opened which would cause an obstruction to the free flow of traffic.

7.52 Space for the storage of refuse would be located at the south-eastern corner of the block. This storage area would be approximately 15m from the site frontage with Llanthewy Road with a direct and relatively level route to transport the bins during collection day. Such an arrangement is considered acceptable with no unreasonable detriment to highway/pedestrian safety and general amenity, thereby satisfying Policy W3 of the NLDP.

7.53 The Head of Streetscene and City Services (Highways) has carefully considered the scheme, with particular regard and weight given to the appeal decision on 14/0022. No objections are raised subject to conditions and it is considered that the proposal, on balance, would not have an unreasonable effect on parking provision, amenity and highway/pedestrian safety, thereby satisfying Policies GP4, GP6 and T4 of the NLDP and Supplementary Planning Guidance: Parking Standards (SPG: PS).

7.54 **Drainage and Utilities**

The application site does not lie within a flood risk area. Unlike the Phase 1 development, the Phase 2 proposal seeks to utilise an existing building therefore surface water runoff from the building is likely to be negligible.

7.55 Whilst a high proportion of the external areas of the site is currently covered in hardstanding, it is rather patchy and there is some vegetation growth on the surface. The proposed development would bring a more formal arrangement of surface treatments within the site and as such there would be a need to secure an appropriate mechanism to control surface water discharges. It is also acknowledged that the scheme would increase the amount of residential units within the building (from 2 dwellings to 8 flats), thereby increasing the demand on the foul water drainage system.

7.56 Whilst the submitted plans lack any detail relating to surface water drainage, the site is within the urban area where it would be possible to control all drainage matters with a condition. Welsh Water and Wales and West Utilities have no objections to the proposal and given the urban location of the site in which the surrounding buildings are either residential or commercial, all utilities necessary to support new residential units are likely to be within close proximity. It is considered that the proposal satisfies Policies GP1 and GP3 of the NLDP.

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 This proposal seeks permission for all the reserved matters (access, appearance, landscaping, layout and scale) associated with Phase 2 of residential development granted permission on appeal by 14/0022. Phase 2 represents the development at the front of the site and consists of the enlargement and conversion of 1-3 Llanthewy Road to 6 x 2-bedroom flats.

9.2 The Inspector's decision regarding the allowed appeal for 14/0022 is a significant material consideration in the determination of this proposal. The decision is very much unique to the circumstances of this particular site and it has posed limitations on the scope of what the Authority can consider to be acceptable.

9.3 Having regard to the overall merits of the proposal and in the context of the appeal decision and the development granted under Phase 1 (17/0960), it is considered that the Phase 2 scheme, on balance, is acceptable and would not have such an adverse effect on visual amenity, residential amenity, drainage/services, parking and highway safety.

10. **RECOMMENDATION**

APPROVED WITH CONDITIONS

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

Existing and Proposed Floor Plans and Proposed Site Layout [Amended 03/04/2018]

Annotations Legend with Proposed Site Layout Plan [Amended 03/04/2018]
Proposed Front Elevation
Proposed North (Side) Elevation
Proposed South (Side) Elevation
Proposed Rear Elevation

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 development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed in accordance with the approved details and prior to the beneficial occupation of any of the flats hereby permitted.
Reason: In the interests of visual and residential amenities.
- 03 Notwithstanding the submitted plans, no development shall commence until a soft landscaping and planting scheme has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of the development. For the purposes of this condition, a full planting season shall mean the period from October to April.
Reason: To ensure that the site is landscaped in a satisfactory manner.
- 04 Notwithstanding the submitted plans, no development shall commence until the external appearance and final wearing course of the accesses, driveways, walkways and turning and parking areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be completed in accordance with the approved details and prior to the beneficial occupation of any of the flats hereby permitted.
Reason: In the interests of visual amenity and highway safety.
- 05 The parking spaces as identified on drawing titled 'Proposed Site Layout [dated 03/04/2018]' shall be provided and clearly demarcated prior to being brought into beneficial use and shall be retained for parking purposes in perpetuity.
Reason: In the interests of highway safety and residential amenity.
- 06 The 'areas to be kept clear' as identified on the 'Annotations Legend' and drawing titled 'Proposed Site Layout [dated 03/04/2018]' shall be kept clear in perpetuity to enable vehicles entering the site to undertake reserving and turning manoeuvres.
Reason: In the interests of highway safety and residential amenity.
- 07 No structures or planting exceeding 600mm in height shall be placed with the void between the modified south-westernmost access and the boundary with No.5 Llanthewy Road.
Reason: In the interests of amenity and highway safety
- 08 No development shall commence until a Construction Environmental Management Plan has been 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 Plan shall also include details of transport and pedestrian management, including the location of a site compound, provision of contractor parking and means of enclosure to restrict public access to the site. 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: In the interests of general amenity, residential amenity and highway safety.

- 09 Notwithstanding the submitted plans, no development shall commence until a scheme for the provision of highway signage to be installed on locations within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of signage which identifies the vehicular entry and exit points, in accordance with the directions specified on drawing titled 'Proposed Site Layout [dated 03/04/2018]. The signage shall be installed in accordance with the approved scheme and prior to the beneficial occupation of any of the flats hereby permitted. The signage shall then be retained in perpetuity.

Reason: In the interests of amenity and highway safety.

- 10 No flat shall be occupied until the the south-westernmost access has been modified in accordance with drawing titled 'Proposed Site Layout' [dated 03/04/2018].

Reason: In the interests of amenity and highway safety.

- 11 No gates or barriers shall be installed at any time across the two vehicular accesses hereby approved.

Reason: In the interests of highway safety.

- 13 No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul and surface water drainage will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme and implemented in full prior to the beneficial occupation of any of the flats hereby approved.

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

- 14 The outdoor amenity spaces and balconies, as shown on drawing 'Proposed Floorplans' [dated 03/04/2018] shall be completed prior to the beneficial occupation of any of the flats hereby permitted.

Reason: In the interests of residential amenities.

- 15 No development shall commence until details of 1.8m high solid screens to be fitted on the outer ends of the first and second floor rear balconies for their entire projection has been submitted to and approved in writing by the Local Planning Authority. The screens shall be fitted in accordance with the approved details prior to the occupation of any flat located on the first and second floor and shall then be retained in perpetuity.

Reason: In the interests of residential amenities.

- 17 No development shall commence until full details and specification of the following have been submitted to and approved in writing by the Local Planning Authority:

- i) all windows and external doors,
- ii) design detail and appearance of the bay windows and associated gable roof overhang on the front elevation

Development shall be carried out in accordance with the agreed details and specifications.

Reason: In the interests of visual amenity.

- 18 The area for the storage of bins, as shown on drawing 'Proposed Site Layout' [dated 03/04/2018] shall be provided prior to the beneficial occupation of any of the flats hereby approved.

Reason: In the interests of residential and general amenities.

NOTES TO APPLICANT

01 This decision relates to: Existing and Proposed Floor Plans and Proposed Site Layout [Amended 03/04/2018]; Annotations Legend with Proposed Site Layout Plan [Amended 03/04/2018]; Proposed Front Elevation; Proposed North (Side) Elevation; Proposed South (Side) Elevation; Proposed Rear Elevation; Existing Elevations

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP4, SP10, SP18, GP1, GP2, GP3, GP4, GP6, GP7, H2, H3, H6, T4 and W3 were relevant to the determination of this application. Also relevant were Supplementary Planning Guidance documents: New Dwellings and Parking Standards

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.
