

Report

Planning Committee

Part 1

Date: 6th June 2018

Item No: 5

Subject **Planning Application Schedule**

Purpose To take decisions on items presented on the attached schedule

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

Ward As indicated on the schedule

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

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

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

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

Action by Planning Committee

Timetable Immediate

This report was prepared after consultation with:

- Local Residents
- Members
- Statutory Consultees

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

Background

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

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

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

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

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

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

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

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

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

Financial Summary

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

Risks

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

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

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

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

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

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

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?
				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.

Newport's Well-Being Plan 2018-23

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018.

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

Planning (Wales) Act 2015 (Welsh Language)

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

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

Crime and Disorder Act 1998

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

Consultation

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

Background Papers

NATIONAL POLICY

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

Development Management Manual 2016

Minerals Planning Policy Wales (December 2000)

PPW Technical Advice Notes (TAN):

- TAN 1: Joint Housing Land Availability Studies (2015)
- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Commercial Development (2016)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 6: Planning for Sustainable Rural Communities (2010)
- TAN 7: Outdoor Advertisement Control (1996)
- TAN 8: Renewable Energy (2005)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 13: Tourism (1997)
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: Planning and The Welsh Language (2017)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)
- TAN 24: The Historic Environment (2017)

Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)

Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)

Welsh Government Circular 016/2014 on planning conditions

LOCAL POLICY

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

Supplementary Planning Guidance (SPG):

- Affordable Housing (adopted August 2015)
- Archaeology & Archaeologically Sensitive Areas (adopted August 2015)
- Flat Conversions (adopted August 2015)
- House Extensions and Domestic Outbuildings (adopted August 2015)
- Houses in Multiple Occupation (HMOs) (adopted August 2015) (updated January 2017)
- New dwellings (adopted August 2015)
- Parking Standards (adopted August 2015)
- Planning Obligations (adopted August 2015)
- Security Measures for Shop Fronts and Commercial Premises (adopted August 2015)
- Wildlife and Development (adopted August 2015)
- Mineral Safeguarding (adopted January 2017)
- Outdoor Play Space (adopted January 2017)
- Trees, Woodland, Hedgerows and Development Sites (adopted January 2017)
- Air Quality (adopted February 2018)

OTHER

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

The Economic Development Strategy is a material planning consideration.

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

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

APPLICATION DETAILS

No: 17/0484 **Ward:** CAERLEON

Type: FULL

Expiry Date: 06-JUN-2018

Applicant: M PUGH

Site: 53, OLD HILL CRESCENT, CHRISTCHURCH, NEWPORT, NP18 1JL

Proposal: DEMOLITION OF DOUBLE GARAGE AND CONSTRUCTION OF NEW DWELLING

Recommendation: GRANTED WITH CONDITIONS SUBJECT TO SECTION 106 AGREEMENT

1. INTRODUCTION

- 1.1 This application seeks planning permission to construct a detached 3no bedroom dwelling within the curtilage of 53 Old Hill Crescent in the Caerleon ward.
- 1.2 The proposal is tandem development for the purposes of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) and the Supplementary Planning Guidance for New Dwellings (Adopted August 2015). Owing to its location within the settlement boundary of Newport, the principle of residential development in this location is acceptable, however the other material issues for consideration in this instance are the amenities of existing occupants of No.53 and other neighbouring properties, the residential amenities of the future occupants of the proposed house, highway safety and the impact of the proposal on the character and appearance of the area.
- 1.3 Policies GP2 (General Amenity), GP4 (Highways and Accessibility), GP5 (Natural Environment), GP6 (Quality of Design), H4 (Affordable Housing), H6 (Subdivision of Curtilages, Infill and Backland Development) and T4 (Parking) of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) are therefore relevant to the determination of this application.

2. RELEVANT SITE HISTORY

98/0532	SINGLE STOREY REAR EXTENSION	GRANTED WITH CONDITIONS
12/1246	DEMOLITION / REMOVAL OF REAR CONSERVATORY, ERECTION OF TWO STOREY REAR EXTENSION AND ENLARGED WINDOW ON FRONT ELEVATION	GRANTED WITH CONDITIONS

3. POLICY CONTEXT

- 3.1 - SP1 Sustainability: seeks to ensure the development takes into account sustainable development principles.
- SP10 House Building Requirement.
- SP13 Planning Obligations: Proposals of this scale will be required to provide or make contributions to infrastructure.
- GP1 General Development Principles – Climate Change: This policy seeks to ensure that the development is to withstand climate change over the lifetime of the development.
- GP2 General Development Principles – General Amenity: There is to be no significant adverse effect on the amenity of the existing or new community.
- GP3 General Development Principles – Services Infrastructure: This policy requires justification as to the suitability of the service infrastructure required by the proposal e.g. sewerage.

- GP4 General Development Principles – Highways and Accessibility: The proposal must not detrimentally affect the highway capacity. There must be adequate public access and any new roads must be compliant with the Councils design scheme.
- GP5 General Development Principles – Natural Environment.
- GP6 General Development Principles – Quality of Design: All new development must ensure that they are to achieve good quality design. This is ensuring that the proposal creates a safe, accessible and attractive environment taking into account the context, scale and materials of the design.
- GP7 General Development Principles – Environmental Protection and Public Health: This policy seeks to ensure that there is no unacceptable harm to health from a development.
- H2 Housing Standards: Housing developments will be required to be built to high standards of environmental and sustainable design.
- H3 Housing Mix and Density.
- H4 Affordable Housing.
- T4 Parking: This policy requires adequate level of parking to ensure there is no detrimental impact on the new site or existing community.

4. CONSULTATIONS

- 4.1 DWR CYMRU/WELSH WATER: We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

SEWERAGE Conditions

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

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

Advisory Notes

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- 4.2 WALES AND WEST UTILITIES: No objection.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): Whilst the proposed dwelling is approximately within the 400 metre walk to the nearest bus stop it will involve walking uphill along a narrow unlit lane such that the use of public transport is unlikely. The only local facility is a public house with all journeys anticipated to be undertaken by the private car. This not, therefore, deemed as a sustainable location.

Notwithstanding the above proposed off street parking provision for the new dwelling is acceptable.

Additional parking will be required for the existing property to offset the loss of the existing garage details of which must be submitted for approval.

- 5.2 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): There are several access points into the garage that could be used by crevice dwelling bats and it is vegetated on the one side. I would recommend that a bat scoping survey be undertaken to the garage to determine the likely presence of bats. This can be undertaken at any time of the year by a suitably qualified ecologist.
- 5.3 HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH): No objection subject to the following condition;

Contamination – Unforeseen

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 been 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.

- 5.4 HEAD OF REGENERATION, INVESTMENT AND HOUSING (CONTRIBUTIONS MANAGER): Based upon a net increase of 1 x3 bed house, and subject to economic viability, a commuted contribution of £2,559 would be requested for affordable housing provision.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties sharing a common boundary with the application site were consulted (8no. properties) and the 8no. objections from 7no. properties have been received;

- Adequate visibility splays cannot be achieved within the curtilage of the site or on land controlled by the applicant;
- The existing garage was erected without permission from planning or highways;
- Old Hill is dangerous with existing traffic levels;
- Inadequate parking provided for a 4 bedroom house;
- The proposed property would overlook No.51 Old Hill Crescent;
- Granting this application would set a precedent for other applications for houses within the rear of other gardens on Old Hill Crescent;
- Old Hill is a narrow, one way lane and any increase in traffic volume would be dangerous;
- The subdivision of the curtilage would result in the overdevelopment of the site and would result in the unacceptable reduction in the amenity of neighbouring properties;
- Intensification of access onto Old Hill would adversely affect highway safety;
- Loss of perceived space and visual amenity to Yew Tree Cottage;
- The loss of a view from living room at Yew Tree Cottage that currently contributes to the amenity received by occupants whilst in the living room;
- Delivery/construction vehicles would block Old Hill during works;
- The rural character of the village needs to be preserved;
- The site location plan is incorrect as 5no. new dwellings are not shown;

- Vehicles regularly drive the wrong way down one way Old Hill;
- Visitors would need to park in Christchurch and walk down the lane to the property. There is limited pedestrian and vehicular visibility and no pavement;
- A number of houses have been granted nearby and the combined impact would contribute to the substantial harm to the natural character of the area;
- The site is not brownfield and does not make a positive contribution to the area and will be detrimental to the character of the area.

6.2 COUNCILLOR HUGHES & GILES: Have called the application to be determined at planning committee in order to assess the impact on neighbouring properties by way of overlooking and loss of privacy and impact on natural light received and highways issues in relation to additional traffic at the junction with Belmont Hill.

7. ASSESSMENT

7.1 This application seeks planning permission to construct a detached 4no. bedroom detached dwelling within the curtilage of 53 Old Hill Crescent in the Caerleon ward.

7.2 No.53 Old Hill Crescent is a large detached property that fronts onto the highway within a small residential settlement in Christchurch. Whilst the properties along Old Hill Crescent vary in their design and appearance they are all generally traditional in design and many have large curtilages. Planning permission has been granted at no.45 Old Hill Crescent for the subdivision of curtilage and erection of two storey dwelling in the rear garden of the property. The rear garden of No.53 is relatively narrow, rectangular in shape and extends approximately 30 metres in depth, backing onto Old Hill, a single way lane that runs adjacent to Belmont Hill. The land level of the rear garden steps up approximately 0.5 metres directly to at the rear of No.53 and is then fairly consistent as you approach the rear. The existing garage is then set down at the rear of the garden and is accessed by steps down, approximately 1.0m is visible above garden level. The proposed dwelling would be located at the north of the garden and would utilise the existing vehicular garage access from Old Hill.

7.3 The proposed dwelling would comprise of two parts; the main body would contain the majority of living space over two storeys, including 4no. bedrooms (1 with en-suite) and a bathroom; the secondary part would be at first floor over a covered parking area, containing an open plan kitchen and lounge. To the front of the first floor there would be an amenity area and to the rear of the property there would be private amenity space comprising of a decked and grassed area. The boundary of the site fronting onto Old Hill slopes away from south to north and there is a difference in ground level of 1.6 metres. The main two storey element would measure 6.2 metres wide by 7.7 deep and would have a height of 6.0m to eaves and 6.3m to the highest point when measured from the lowest adjacent ground level. The ground floor covered parking area would measure 6.5m wide by 10.2m deep and would have a height of 3.3 metres from the lowest adjacent ground level and the first floor living area would measure 5.0m wide by 8.2m deep and would have a maximum height of 5.7 metres from the lowest adjacent ground level. Fenestration throughout the property would not be uniform and would have a contemporary appearance with a large floor height window in the front elevation being a feature. Due to the split level bedroom two would be almost entirely below the rear ground level and would be served by 2no. high level windows that open into a light well. External materials will consist of a mix of 'sunflower' render and natural stone and anthracite grey uPVC openings and doors.

7.4 Policy H6 states that the sub-division of residential curtilages, infill within existing residential areas, and the development of backland to existing residential properties will only be permitted where this does not represent an overdevelopment of land. The existing curtilage of No.53 extends approximately 30 metres from the rear elevation of the property and The "New Dwellings" SPG (adopted January 2015) states that a detached dwelling should have 1m² of private amenity space for every 1m² of the unit's footprint. It has been demonstrated that both the existing and proposed dwellings would have sufficient private amenity space in accordance with the SPG. It is considered that the principle of subdividing this curtilage to provide another residential unit is acceptable.

7.5 **Residential Amenity**

- 7.6 The 'New Dwellings' SPG (Adopted January 2015) states that new dwellings should have a distance of 10m to the rear boundary in order to protect overlooking. Due to the staggered rear building line of the proposed dwelling this distance will vary to between 6m and 10.5m to the rear boundary, which will comprise of a proposed 2.0m boundary fence. Whilst this does not consistently comply with the SPG, due to the split level design of the property it is only single storey at the rear and due to the proposed 2m rear boundary fence there would be no views available towards the host property. Similarly due to the difference in ground level throughout the site, views from the first floor rear windows of no.53 would be obscured by the proposed fence and the privacy of both the existing and proposed properties would be protected as there would be no direct views between properties. The 25 degree splay taken from a point 2.0m in height from protected windows in the rear elevation of both properties does not intersect and as such it is considered that the day light received will not be impeded to either property and due to the separation distance and scale/ground level of the proposed property there will be no overbearing impact on no.53. As previously mentioned the proposed property will have a satisfactory level of private amenity space and the existing property will maintain a satisfactory level of private amenity space. On balance it is considered that overall both the existing and proposed property would enjoy a satisfactory level of amenity.
- 7.7 Moving on to assessing the impact on the amenity of neighbouring properties objections have been received from a number of properties within close proximity to the application site. It is considered that the main properties that could be impacted by the proposal are Yew Tree Cottage to the south and 51 Old Hill Crescent to the north.
- 7.8 Yew Tree Cottage is located directly to the south of the application site, at a higher ground level and there is a large boundary hedge segregating the curtilages. The main material considerations in relation to the direct impact on this property are whether there will be any loss of sunlight, overbearing impact and harm to the amenity of this property. The window in the side elevation of Yew Tree Cottage serves the living room. The proposed property would be located at the foot of the garden at a distance of approximately 10-11 metres from this window. Due to the split level design and scale of the proposed property any part of the property above the garden level of Yew Tree Cottage would be predominantly screened by the existing hedge and it would only be the roof that would be partially visible from this outlook. Due to the difference in ground levels the proposal would not cause any harmful loss of light or have an overbearing impact and this is evidenced by the fact the both the 25 degree and 45 degree horizontal splays would not intersect the proposed dwelling when taken from the protected living room window and in any case this window is north facing so would not necessarily benefit from much direct sunlight in any case. Whilst it is acknowledged that some views across the landscape may be impeded by the proposal this is not a material planning consideration and could not be considered when assessing impact on amenity. As such, it is not considered that the presence of a new dwelling in this location would cause a harmful impact on the amenity enjoyed by the occupiers of Yew Tree Cottage.
- 7.9 51 Old Hill Crescent is located to the north of the application site at a lower ground level. This property enjoys a large rear garden which spans approximately 30 metres long by 20 metres in width and the nearest part of the proposed property would be located approximately 20m from the rear elevation of the property. The main material planning considerations in relation to the direct impact on this property are whether there will be any loss of sunlight, overbearing impact and loss of privacy caused by the scheme. Due to the split level design of the proposed property there would only be a single storey aspect visible to the rear and whilst this would be at a higher ground level, due to the scale of the proposal it is not considered that this would have an overbearing impact on No.51 or the rear garden of that property, especially given that the property would be located towards the rear corner of what is considered to be a very generously sized rear garden.
- 7.10 Due to the orientation and location of the property it is possible that there could be a small increase in overshadowing to the bottom of the garden at certain times of the day, however this is not considered to cause a harmful impact. The distance between properties would mean that there is no overshadowing to the property itself. The garden level is proposed to

remain the same as the existing situation and the existing boundary fence is considered to prevent any overlooking into the rear garden or towards the rear elevation of the property, as it does at present. There is proposed to be floor height window in the rear elevation of the proposed property that would have a centre point 2.5m from the shared boundary. It is considered that the boundary fence will prevent clear views into the rear garden and obscure views to the rear elevation, which in any case there is a separation distance of approximately 20m to the rear elevation of No.51, which is considered to be acceptable.

7.11 An objection has also been received from Silures, located to the east of the site on the other side of Old Hill and the objection has stated that the proposal will overlook their property. There is an intervening highway and Silures is located on a higher ground level behind dense vegetation. The approximate distance from the front elevation of the application site to the side boundary with Silures is 10 metres and Silures is located on a higher ground level. The proposal will not result in direct window to window views and guidance states that a distance of 10m to a rear boundary is generally acceptable to protect privacy, so in this instance this would also be considered as having an acceptable relationship. The proposed property would not directly face the property at Silures, more of the foot of the garden, and in any case the closest part of the proposed property to the property at Silures would be at a distance of approximately 20m. Overall it is not considered that the proposal would have a detrimental impact on the amenity enjoyed by the occupants of Silures.

7.12 **Design**

7.13 There is a lack of consistency in the character and appearance of the properties throughout Old Hill Crescent and the immediate vicinity and this gives an opportunity for the proposal to deviate away from a typical house design. The design includes a shallow mono pitched roof and a flat roof and this has been designed in order to maximise volume without significantly adding unnecessary bulk and massing to the building. The design helps to mitigate the impact that the proposal would have on the residential amenity of the neighbouring properties and also lessens the visual impact that it would have when viewed from Old Hill itself and the rear of the properties within Old Hill Crescent. The split level design allows the property to remain less prominent at the rear and the footprint is considered to be commensurate to the size of the plot and is comparable to the size of the other properties in the area. In terms of appearance the materials proposed would be a mix of render and stone with large glazed openings in the front elevation, giving a contemporary feel to the building. A condition would need to be attached to any permission in order for external materials to be formally approved in writing by the Local Planning Authority prior to the commencement of development. Overall it is considered that the proposed dwelling is of an appropriate scale and design and does not detract from the character and appearance of the surrounding area and complies with the aims of Policy GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

7.14 **Highways**

7.15 The proposal includes 4no. parking spaces which complies with the "Parking Standards" SPG (Adopted August 2015) however Highways have requested a further parking space is provided within the curtilage of the host property in order to mitigate for the loss of car parking space by removal of the garage. An amended site layout plan has been provided showing this space within the curtilage of the 53 Old Hill Crescent and a condition can be attached to any permission ensuring this is constructed prior to the demolition of the existing garage. Whilst Highways have stated that the location of the property is not sustainable, it is recognised that the site is within the urban boundary and within the settlement of Christchurch and within a short walking distance of nearby amenities. On balance when considering the merits of the scheme this in itself would not be a reason for the application to be refused.

7.16 An objection has raised the lawfulness of the access at the site. The existing garage and access was constructed without the benefit of planning permission prior to 1999, it is therefore considered that this is lawful and in any case the access would not have required planning permission as Old Hill is not a classified road. Vehicles would need to egress the site in the direction of south due to this section of Old Hill being one-way and would not exit

onto the junction at Belmont Hill. Vehicles would need to access Old Hill off Belmont Hill. No.53 will no longer be using the access but the occupiers of the new dwelling will, so it is considered that it is one for one and no different to the existing situation. The Head of Streetscene and City Services (Highways) has not raised this as being an issue in their consultation response.

7.17 **Ecology**

7.18 Due to the application proposing the demolition of a garage within the rural urban fringe which could be used by crevice bats the Head of Streetscene and City Services (Ecology) has requested a bat scoping survey be undertaken to determine the likely presence of bats. A initial scoping report has been submitted which has considered the potential for the building to support bats as being negligible. As such it is not deemed necessary for any further surveys or reports to be submitted.

7.19 **Other Matters**

7.20 Concerns have been raised that this proposal will set a precedent for development of this kind within the area. The rear of the site opens onto the sunken lane which has a strong rural character and appearance and the current frontage containing the existing garage does not contribute to the rural setting. The proposal would not worsen the rural setting and the Local Planning Authority will be able to control the materials proposed and the appearance of the dwelling.

7.21 **Section 106 Planning Obligation matters**

Summary

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

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
Regeneration , Investment and Housing	Affordable housing provision based on 40% target	Commuted contribution of £2,559.	Full Heads of Terms Agreed.	No.

7.22 The applicant has confirmed that they agree in full to the Heads of Terms

8. OTHER CONSIDERATIONS

8.1 ***Crime and Disorder Act 1998***

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

8.2 ***Equality Act 2010***

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

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

9. CONCLUSION

9.1 The proposed dwelling is considered to be acceptable in terms of scale and design and would not cause a detrimental impact on neighbouring privacy and amenity. The new dwelling would provide a good standard of amenity to future occupiers whilst maintaining the amenity of the existing property and it is considered that the information provided would not result in an adverse highways impact.

9.2 As such, it is recommended that the application be granted subject to the following conditions and Section 106 agreement.

10. RECOMMENDATION

GRANTED WITH CONDITIONS SUBJECT TO SECTION 106 AGREEMENT

01 The development shall be implemented in accordance with the following plans and documents; Drawing No. 04 – House Development Elevations & Site Plan Rev E; Drawing No. 05 – House Development Plans Rev C.

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

Pre- commencement conditions

02 Prior to the demolition of the existing garage the additional parking space approved under "DRG No. 04 House Development Elevations & Site Plan Rev E" to the front of 53 Old Hill Crescent shall be installed and maintained thereafter in perpetuity.

Reason: In the interests of highway safety.

03 Prior to the commencement of development full details of foul and surface water drainage shall be submitted to the Local Planning Authority and written approval received. The development shall be carried out in accordance with the approved details and retained thus in perpetuity. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To ensure the site is suitably drained.

Pre Occupation

04 Details including location, height and materials of the boundary treatments to be installed or retained on site shall be submitted to the Local Planning Authority and agreed in writing. The agreed boundary treatments shall then be installed in full prior to the first occupation of the approved dwelling and retained thereafter in perpetuity.

Reason: To protect neighbouring amenity and the character and appearance of the area.

General conditions

05 No windows or openings other than those shown on the approved plans shall be inserted in the north and south facing side elevations of the property hereby approved.

Reason: In the interests of neighbouring privacy and amenity.

06 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order), Schedule 2, Part 1, no development within Classes A, B, C, D, or E shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To protect neighbouring amenity and the character and appearance of the area.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Drawing No. 01 – Existing Rev C; Drawing No. 02 – Existing 3D Visual Site Plan Rev C; Drawing No. 3 – Existing 3D Visuals Rev C; Drawing No. 04 – House Development Elevations & Site Plan Rev E; Drawing No. 05 – House Development Plans Rev C; Drawing No. 06 – Proposed 3D Visual Site Plan Rev C; Drawing No. 07 – Proposed 3D Visuals Rev C; Drawing No. 08 – Location Plan; Drawing No.09 – Development Context Plan; Ecological Technical Note (04/05/2018); Design Statement.

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

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

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

05 The land is not likely to be contaminated and as such the suggested condition is not deemed appropriate.

APPLICATION DETAILS

No: 18/0213 **Ward:** ALLT-YR-YN

Type: FULL

Expiry Date: 09-MAY-2018

Applicant: JASON WATKINS

Site: 34, FIELDS PARK ROAD, NEWPORT, NP20 5BB

Proposal: SIDE EXTENSION OVER GARAGE AND NEW DORMER

DECISION REFUSED

1. CONSULTATIONS

1.1 DWR CYMRU WELSH WATER: Advised to contact DCWW to establish the location of the sewer.

2. INTERNAL COUNCIL ADVICE

2.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): No objection.

3. REPRESENTATIONS

3.1 NEIGHBOURS: All properties with a common boundary were consulted (two addresses). One letter was received objecting on the following grounds:

1. The location and size of the extension will dominate and severely impact the view from our breakfast room. It will also reduce the sunlight which the breakfast room normally receives.
2. The extension will significantly affect the view from our patio.
3. The materials that are proposed to construct the extension are completely out of character with the house itself and the surrounding houses in the neighbourhood which are largely red brick, Victorian and Georgian. This may set a precedent.

3.2 SITE NOTICE (Displayed 21 March 2018): No representations received.

4. RELEVANT SITE HISTORY

4.1 None.

5. ASSESSMENT

5.1 This application seeks permission for the erection of a side extension over the existing garage and a dormer window at the semi-detached property in the Allt-yr-Yn Ward. It is proposed to construct a part two storey/part first floor extension over and behind the existing garage and insert a dormer window in the rear elevation.

5.2 Policies GP2 (General Amenity) and GP6 (Quality of Design) of the Newport Local Development Plan 2011-2026 (Adopted January 2015) are relevant to the determination of this application. House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted August 2015) is relevant to the determination of this application.

5.3 The proposed first floor extension would be constructed over the existing garage and would measure 3.85 metres in width and 8.88 metres in length. This would also extend behind the existing garage creating a canopy and resulting in a maximum height of 5.8 metres above ground level. The extension would be constructed from zinc with a roof form to reflect the shape of the hipped roof of the main house. A small link extension would also be constructed to form a link from the main house to the extension which would be glazed with a flat zinc roof.

5.4 It is proposed to insert a slim window in the front and east side elevation, with the rear elevation almost entirely glazed. It is also proposed to install a roof light. No windows are

proposed in the west side elevation with a timber trellis proposed to be installed on this side.

- 5.5 The proposed dormer window would match an existing dormer window in the rear facing roof slope. It would project a maximum of 1.8 metres and measure 1.6 metres in height. It would have a flat roof and be set back from the eaves.
- 5.6 It is considered that the proposed dormer window would not result in an unacceptable increase in overlooking, over or above the existing situation and is in keeping with the character and appearance of the host property. The proposed window is therefore considered acceptable.
- 5.7 The first floor extension is well set back from the front elevation of the property, approximately 9.4 metres. It is also set in 1.2 metres from the boundary with no. 36. It would not be in keeping with the design or detailing of the host property and represents a modern addition to an otherwise traditional style property as is prevalent in the immediate area. The proposed materials for this scale of development are also unusual. However, the inherent form of the extension replicates that of the host property with roof of a hipped-style with similar pitch.
- 5.8 The property at no. 36 has a protected window serving a dining area which faces directly on to the proposed development. The dining area forms part of a kitchen-diner, however the kitchen is served by rear facing windows and the dining area by the side facing window with very limited light passing from the rear windows into the dining area. The SPG sets out a 45 degree test where a protected window faces onto a development. Where a proposal fails this test it would result in loss of light and is unlikely to be acceptable. The proposed extension passes this test due to the application property being set at a lower level to the neighbouring property at no. 36.
- 5.9 The SPG also states that 14 metres should exist between protected windows and a two storey blank elevation. The existing gap is 8.0 metres which would be reduced to 4.5 metres. While a 14 metre separation distance does not exist between properties, the proposed extension would substantially reduce this. This results in a loss of perceived space, overbearing and detriment to visual amenity creating an unneighbourly form of development which is unacceptable.
- 5.10 The proposed extension runs along a large section of the neighbouring outdoor amenity space of no. 36. However, this section is a fairly narrow section between the properties and adequate patio space is retained which would not abut the proposed extension.

6. OTHER CONSIDERATIONS

6.1 *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.

6.2 *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.

6.3 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.

6.4 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.

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

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

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

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

7. CONCLUSION

7.1 It is considered that the proposal is unacceptable due to its impact on the property at no. 36 Fields Park Road in terms of loss of light to the protected window serving the dining area and a detrimental impact to perceived space and visual amenity. The proposal is considered to represent an overbearing and unneighbourly form of development contrary to the adopted policies and guidance.

8. DECISION

REFUSED

01 The proposed extension due to its proximity to a protected window at no. 36 Fields Park Road, would result in an unacceptable loss of daylight, perceived space and visual amenity. It represents an overbearing, unneighbourly form of development contrary to policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015) and the House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted August 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Proposed Plans and Elevations jw999-201 Rev A.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2 and GP6 were relevant to the determination of this application.

03 House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted August 2015)

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

APPLICATION DETAILS

No: 18/0262 **Ward:** ROGERSTONE

Type: RENEWALS AND VARIATION OF CONDITIONS

Expiry Date: 17-MAY-2018 EXTENDED: 08-JUN-2018

Applicant: B HUGHES

Site: PIE CORNER FISH BAR, HIGH CROSS LANE, ROGERSTONE, NEWPORT, NP10 9DJ

Proposal: VARIATION OF CONDITION 01 (OPENING HOURS) OF PLANNING PERMISSION 12/0511 FOR VARIATION OF CONDITION 01 (OPENING HOURS) OF PLANNING PERMISSION 11/0701 FOR CHANGE OF USE OF FORMER PHARMACY TO A TRADITIONAL FISH AND CHIP SHOP. VARIATION SEEKS TO ALLOW SUNDAY AND BANK HOLIDAY OPENING BETWEEN 12:00 HOURS AND 21:00 HOURS.

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application relates to Pie Corner Fish Bar, High Cross Lane. The application is seeking to vary condition 1 (opening hours) of planning permission 12/0511 which is a permission which also previously allowed a variation of the opening hours condition.
- 1.2 The application proposes to further open the business between 12:00 hours and 21:00 hours on Sunday and Bank Holidays.

2. RELEVANT SITE HISTORY

11/0701	CHANGE OF USE OF FORMER PHARMACY (CLASS A1 USE) TO A TRADITIONAL FISH AND CHIP SHOP (CLASS A3 USE)	Granted with conditions
11/1241	PARTIAL DISCHARGE OF CONDITION 3 (FUME EXTRACTION) OF PLANNING PERMISSION 11/0701 RELATING TO CHANGE OF USE OF PHARMACY (CLASS A1) TO TRADITIONAL FISH AND CHIP SHOP (CLASS A3)	Approved
12/0511	VARIATION OF CONDITION 01 (OPENING HOURS) OF PLANNING PERMISSION 11/0701 FOR CHANGE OF USE OF FORMER PHARMACY TO A TRADITIONAL FISH AND CHIP SHOP TO ALLOW SUNDAY AND BANK HOLIDAY OPENING BETWEEN 17:00 HOURS AND 20:00 HOURS	Granted with conditions

3. POLICY CONTEXT

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

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

Policy **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 **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 None undertaken

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF LAW AND REGULATION (ENV.HEALTH): No objection.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within a 50m radius of the application site were consulted (40 properties). 2 responses objecting to the application have been received, raising the following concerns:

- Smell and odour nuisance which effect relaxation, wellbeing, mental health, the enjoyment of home and the right to quiet enjoyment;
- The proposal does not benefit the community at large;
- The additional noise nuisance from vehicles and persons visiting the facility;
- No matter what efforts are made to control the smells from a chip shop you cannot disguise the smell associated with it;
- Having read the previous approval there is little mention of the odour issue in agreeing the change of hours. This probably has the biggest effect on the community and I feel it should have been a more important factor in the decision;
- Increased volume of customers late at night and possible noisy and disruptive behaviour;
- Increase in the volume of litter;
- Increased traffic, the fish bar has no designated parking facilities so customers have to park on the road making it extremely difficult for pedestrians and traffic using High Cross Lane;
- Sunday and Bank Holiday opening, these additional opening hours and days will impact on the residential area; and
- Since the opening of Pye Corner railway station there has been a significant increase in the volume of traffic using High Cross Lane.

6.2 COUNCILLOR YVONNE FORSEY: Many of the previous planning applications have reserved Sunday afternoons and bank holidays for the residents to have some rest bite from the smell of the cooking. The application should be considered by Planning Committee to consider the loss of amenity for the residents in the area.

6.3 ROGERSTONE COMMUNITY COUNCIL: No response.

7. ASSESSMENT

7.1 Pie Corner Fish Bar is a detached single storey unit which is located next to a parade of shops, including a beauty salon, hairdressers and a convenience store. These units have residential properties on the first floor. The fish bar is part of the High Cross Local Centre as defined by the Newport Local Development Plan 2011-2026. Aside from these commercial units the surrounding area is characterised by residential properties.

7.2 Planning permission was first granted for the change of use from a pharmacy (Class A1 use) to a fish and chip shop (Class A3 use) in 2011 (11/0701). The permission was subject to condition 1 which read:

7.3 *"The hours of opening shall be restricted to 1200 to 2300 Monday to Saturday and at no times on Sundays, Bank or Public Holidays. Outside of these hours the premises shall be vacated and closed to the public.*

Reason: In the interests of the amenities of occupiers of properties within the vicinity".

7.4 Planning permission was granted in 2012 (12/0511) to vary condition 1 and it currently reads:

7.5 *"The hours of opening shall be restricted to 1200 to 2300 Monday to Saturday and 1700 to 2000 on Sundays, Bank or Public Holidays. Outside of these hours the premises shall be vacated by customers and closed to the public.*

Reason: In the interests of the amenities of occupiers of properties within the vicinity”.

- 7.6 This application proposes to further open the business between 12:00 hours and 21:00 hours on a Sunday and bank holidays. This would mean the shop would open 5 hours earlier and stay open for 1 hour longer on those days.
- 7.7 Policies GP2 (General Amenity) and GP7 (Environmental Protection and Public Health) of the Newport Local Development Plan seek to protect local amenity in terms of noise, disturbance, privacy, overbearing, light, odours and air quality.
- 7.8 Two local residents have raised concern that longer opening hours would harmfully affect their residential amenities through additional odour and smell nuisance, additional noise nuisance, late night disturbance, increased litter and increased traffic where there are no designated parking facilities.
- 7.9 The Head of Law and Regulation (Environmental Health) has no objection to the proposal.
- 7.10 It is noted that condition 3 of the 12/0511 consent requires food preparation areas to be mechanically extracted using an extraction system which was previously approved under application 11/1241. This extraction system was considered to be sufficient to effectively control odour emissions.
- 7.11 Condition 4 of the 12/0511 consent also requires the provision of a litter bin outside of the front door of the premise.
- 7.12 The concerns of the local residents are acknowledged in terms of odour and smell nuisance. However, it is considered that there remains to be effective control over odour emissions through condition 3 which would be re-imposed on this consent to ensure mechanical extraction is retained and maintained. It is not considered that an increase in the hours of operation would materially affect the controls which are in place. Furthermore, there are additional controls under the Environmental Protection Act 1990 which is enforced by the Councils Environmental Health Department. Should a statutory nuisance be established then measures can be taken to address the nuisance.
- 7.13 In terms of noise nuisance it is not considered that an increase in daytime hours, albeit on Sundays and bank holidays, would be significantly harmful to residential amenity. The chip shop is located within the High Cross Local Centre where other commercial activity is present, notably a convenience store which is open on Sundays from 08:00 to 20:00. It is not considered that the increased daytime hours and one additional hour in the evening would be significantly more harmful than the current situation.
- 7.14 In terms of late night disturbance it is not considered that an additional hour in the evening would give rise to increased disturbance which would materially affect the residential amenities of nearby occupiers.
- 7.15 In terms of increased litter it is considered that with the re-imposition of condition 4 which requires the provision of a litter bin outside of the front door; there would be adequate measures in place to tackle potential littering. Furthermore, there are additional controls under the Environmental Protection Act 1990 which deal with significant littering problems.
- 7.16 In terms of increased traffic and the lack of designated parking facilities it is noted that the original planning application which considered the change of use from a pharmacy to the fish and chip shop considered that the roads outside and within the vicinity of the site did not suffer from traffic problems. It was considered that adequate parking was available in the vicinity. Other than the provision of Pye Corner railway station which has its own car park there has been no change in circumstances in the surrounding area. Whilst an increase in opening hours would attract more customers to the premise it is considered that sufficient on-street parking remains and as such it would not be harmful to highway safety.

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

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

8.2 ***Equality Act 2010***

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

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

9. **CONCLUSION**

9.1 The proposed increase in opening hours is considered to be acceptable and it is not considered that it would be materially harmful to the amenities of local residents. It is recommended that planning permission is granted with conditions.

10. **RECOMMENDATION**

GRANTED WITH CONDITIONS

General conditions

01 The hours of opening shall be restricted to 1200 to 2300 Monday to Saturday and 1200 to 2100 on Sundays, Bank or Public holidays. Outside of these hours the premises shall be vacated by customers and closed to the public.

Reason: in the interests of the amenities of occupiers of properties within the vicinity.

02 The rating level of the noise emitted from plant located at the site shall not exceed the existing background noise level at any time by more than 5db(a) at any residential property when measured and corrected in accordance with BS 4142: 1997.

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

03 Fumes from the food preparation areas shall be mechanically extracted and the extraction system shall be provided with de-greasing and deodorizing filters in accordance with the details approved under discharge of condition (ref. 11/1241). The equipment shall be maintained in accordance with the approved details of planning permission ref. 11/1241.

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

04 At least one litterbin shall be provided outside the front door of the building, on land within the proprietor's control, and retained thereafter.

Reason: in the interest of visual and residential amenity.

05 Prior to its installation, full details of boundary treatment/secure gates to secure the property shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment/gates shall be implemented as approved and then maintained in that state thereafter.

Reason: In the interest of visual amenity, security and to deter anti-social behaviour.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2 and GP6 were relevant to the determination of this application.

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

APPLICATION DETAILS

No: 17/1177 **Ward:** MARSHFIELD

Type: FULL

Expiry Date: 25-JUN-2018

Applicant: MR PANNU

Site: THE LODGE, BROADSTREET COMMON, PETERSTONE WENTLOOGE, CARDIFF, CF3 2TN

Proposal: PROPOSED DEMOLITION OF EXISTING CARE HOME AND CONSTRUCTION OF 2NO. DETACHED DWELLINGS WITH NEW ACCESS

RECOMMENDATION: GRANTED WITH CONDITIONS SUBJECT TO A S106 AGREEMENT WITH DELEGATED AUTHORITY TO REFUSE PERMISSION IF THE AGREEMENT IS NOT SIGNED WITHIN 3 MONTHS OF A RESOLUTION TO GRANT PERMISSION

1. INTRODUCTION

1.1 The applicant is seeking permission to demolish 'The Lodge' currently a small care home in Peterstone and replace it with two detached houses.

2. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
07/1030	ERECTION OF SINGLE STOREY REAR EXTENSION	GC 08 November 2007
E06/0653	CHANGE OF USE FROM DWELLING TO RESIDENTIAL CARE HOME (Use Class C2)	Permission Granted on Appeal against Enforcement Notice 29 September 2009
06/1022	RETENTION OF ANNEXE IN ITS CURRENT FORM	G 17 August 2006
05/1617	ERECTION OF SINGLE STOREY REAR EXTENSION	GC 26 January 2006

3. POLICY CONTEXT

3.1 Relevant Policies from the adopted Newport Local Development Plan 2011-2026 are:

- SP1 – Sustainability
- SP3 – Flood Risk
- SP5 – Countryside
- SP6 – Green Belt
- SP9 – Special Landscape Areas
- SP13 – Planning Obligations
- GP1 – Climate Change
- GP2 – General Amenity
- GP4 – Highways & Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- CE6 – Archaeology
- CE9 – Coastal Zone
- H2 – Housing Standards
- H4 – Affordable Housing
- H6 – Sub-Division of Curtilages, Infill & Backland Development
- T4 – Parking

- CF12 – Protection of Existing Community Facilities
- W3 – Provision for Waste Management Facilities in Development

Relevant adopted Supplementary Planning Guidance is:

- New dwellings
- Parking
- Affordable Housing
- Planning Obligations
- Archaeology & Archaeologically Sensitive Areas
- Wildlife & Development
- Trees, Woodland, Hedgerows and Development Sites

4. CONSULTATIONS

4.1 CYFOETH NATURIOL CYMRU / NATURAL RESOURCES WALES (CNC/NRW)

Flood Risk

- 4.1.1 The application proposes highly vulnerable development within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the Severn Estuary.
- 4.1.2 The decision as to whether a development is justified in accordance with Section 6 of TAN15 is entirely a matter for the Local Planning Authority.
- 4.1.3 We have reviewed the submitted flood consequences assessment (FCA) prepared by Quad Consult dated October 2017. The FCA has been informed by the latest NRW tidal model and is therefore fit for purpose. Further to this we note the following:
- The current site range is between 5.12m and 5.17m.
 - During the 0.5% (1 in 200 year) plus climate change allowance (CCA) to the year 2115, the predicted flood levels are 5.74m AOD.
 - During the 0.1% (1 in 1000 year) plus CCA to the year 2115, the predicted flood levels are 6.45m AOD.
 - The proposed finished floor levels of the buildings to be set at 5.85m AOD.
- 4.1.4 Advice on A1.14
Based on the proposed finished floor levels of 5.85m AOD the two dwellings will remain flood free during the predicted 0.5% plus CCA event and is therefore designed to meet A1.14 criteria.
- 4.1.5 The FCA states that the site level ranges between 5.12m - 5.17m AOD. This would result in depths of flooding between 620mm and 550mm on the wider site. The FCA has not included further assessment of the consequences of flooding to the proposed gardens or parking areas and therefore we are unable to comment on these potential impacts. These areas of the proposal do not meet A1.14 criteria, however, given the existing use on site includes garden area and parking, we consider the risk remains unchanged. Furthermore, this application enables the dwellings to be designed above the 0.5% plus CCA level.
- 4.1.6 In consideration of the above, if you are minded to grant planning permission we request that the following condition is included:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) prepared by QuadConsult dated October 2017 and the following mitigation measures detailed within the FCA i.e. Finished floor levels are set at 5.85 metres above Ordnance Datum (AOD) (Newlyn).

Reason: To reduce the risk of flooding to the proposed dwellings and future occupants.

Advice on A1.15

4.1.7 During the 0.1% plus CCA the predicted flood level is 6.45m AOD. Based on a proposed finished floor level of 5.85m AOD the two dwellings could flood to depths of 600mm. This is within the tolerable limits of A1.15 of TAN 15. However, the FCA has not assessed the dwellings against the other criteria within TAN 15 (velocity, rate of rise, speed of inundation) for the 0.1% extreme scenario and no hazard rating has been given.

4.1.8 We also note that the FCA has not provided any information in relation to site access and we are therefore unable to assess against the criteria of A1.15. However, we do note further information in relation to evacuation routes is provided as outlined below.

Advice on A1.12 – Evacuation Routes

4.1.9 There are details of emergency access and evacuation route as part the NRW data request appended to the FCA. Details of depths and velocities of flooding on this route can be seen in table 6 of the data request. This shows maximum predicted depths to be 2.14 metres and maximum predicted velocities as 1.74 m/s. This corresponds to a flood hazard of 'Danger for all'.

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

Land Drainage Consent

4.1.11 The proposed access route crosses over an ordinary watercourse which is situated within NRW's Internal Drainage District (IDD) Boundary. The proposals for culverting this watercourse for access will require a formal Land Drainage Consent (LDC) from the IDD in accordance with Section 23 of the Land Drainage Act 1991.

Protected Sites

4.1.12 The application site is within an exclusion zone in the Gwent Levels - Rumney & Peterstone SSSI. The SSSI is notified for its range of aquatic plants and invertebrates associated with the reens and ditches of the drainage system. In summary, the special interests of the SSSI are dependent on the water quality, water quantity, the existence of the drainage system and its continued management. Due to the proximity to the SSSI we advise that no materials are placed in or adjacent to the ditches and that no contaminants enter the ditches during construction works. Further guidance can be found here.

Protected Species

4.1.13 We have reviewed the submitted 'Ecological Assessment' prepared by Ethos Environmental Planning dated November 2017. We note that the building has negligible potential for roosting bats. However, potential access points have been identified in the surrounding landscape. We recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood that further bat surveys may be required.

4.2 GLAMORGAN & GWENT ARCHAEOLOGICAL TRUST (GGAT)

4.2.1 The Trust has reviewed the detailed information contained on your website and can confirm that **the proposal has an archaeological restraint.**

4.2.2 Information in the Historic Environment Record, curated by this Trust, shows that there are no recorded archaeological sites within the proposed development area. However, the proposed application is situated in an 'Archaeologically Sensitive Area' and is also located within the Gwent Levels Registered Historic Landscape (HLW (Gt) 2), specifically the Peterstone Character Area (HLCA017), as defined within the *Register of Landscapes of Outstanding Historic Interest in Wales*.

- 4.2.3 The Peterstone Character Area is characterised as a “regular landscape” of Roman date. The known archaeological resource reflects the reclamation of the Levels and the natural changes in tidal levels, with prehistoric, Roman and Medieval as well as later material known. St. Peter’s Church and Churchyard are located to the immediate northeast of the application area. The church bears a plaque commemorating the height of the 1606 flood at 1.80m above average sea level.
- 4.2.4 An archaeological watching brief was undertaken in 2007 by the Glamorgan-Gwent Archaeological Trust Projects Division for the Peterstone Pipeline (GGAT Report No. 2007/071, dated October 2007). A large area of pastureland was stripped to the west of the Six Bells Public House, immediately opposite The Lodge, and a further five trenches were excavated along Broadstreet Common and Church Close. The results of the watching brief concluded that there is a peat horizon, which is of palaeo-environmental importance, ranging at depths of 0.83m to 1.8m within the vicinity. An assemblage of archaeological finds, dating from 13th/14th century to modern times, were also encountered and contained an interesting and unusual group of 15th to 17th century ceramics. The watching brief also revealed that the general stratigraphy encountered was in keeping with the known stratigraphy of the Wentlooge Levels.
- 4.2.5 The above application is for the demolition of the existing dwelling and for the construction of two detached dwellings with new access routes. A review of the Historic Ordnance Survey maps (1883 to 1920) shows the area as open land with no previous structures. However, the wet anaerobic ground conditions in the area indicates that there is a high possibility for the survival of organic remains and archaeological features or structures within the alluvial clay deposits associated with the Upper and Lower Wentlooge Formations. Furthermore, the peat horizons may also contain important palaeo-environmental remains. Therefore, it is of our opinion that the groundworks associated with the proposed development have the potential of encountering significant archaeological remains.
- 4.2.6 As a result, it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members. We envisage that this programme of work would take the form of an extensive watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded. It should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014:
- No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.*
- Reason: *To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.*
- 4.2.7 We also recommend that a note should be attached to the planning permission explaining that:
- The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (ClfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a ClfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.*
- 4.3 DWR CYMRU / WELSH WATER (DCWW): No objection but advise that conditions controlling surface water run-off should be applied in the event that permission is granted.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE & CITY SERVICES (HIGHWAYS):

Parking conforms to the SPG Parking standards and I am satisfied vehicles can access and egress both properties in a forward gear.

The application proposes to create a new access on to the highway. It will therefore have to be demonstrated that suitable visibility splays can be achieved that correlate to vehicle speeds.

I would question the sustainability of the site in transport terms, there is a high probability that the development will be car dependant.

Private drainage will not be permitted to drain to the highway and the applicant may need consent to build a structure that spans the watercourse depending on the form of that structure.

5.2 PUBLIC PROTECTION MANAGER (ENVIRONMENTAL HEALTH): No objection, subject to conditions relating to:

- Construction Environment Management Plan
- Construction Hours

And a note to encourage the provision of a charging point for electric vehicles.

5.3 HEAD OF REGENERATION INVESTMENT & HOUSING (HOUSING MANAGER): there is a net gain of one unit of accommodation and therefore a requirement for a commuted sum the delivery of much needed affordable housing. The mechanism for calculating this contribution is to be advised by Planning Policy colleagues.

5.4 HEAD OF REGENERATION INVESTMENT & HOUSING (PLANNING POLICY)

Development in the Countryside

5.4.1 The application site is located within the village of Peterstone Wentlooge and is currently occupied by a detached single storey property known as The Lodge and its curtilage, and is therefore considered to be previously developed land. The site and neighbouring properties within the village of Peterstone do not have a defined settlement boundary and therefore fall within the countryside designation identified in the LDP. As part of the LDP Examination a review of LDP village boundaries was undertaken and consequently the Peterstone boundary was removed from the plan. In considering this issue the Inspector's Report states the following:

Paragraph 3.12 - During the examination the Council undertook further analysis of the characteristics of these settlements, having regard to their scale and form, facilities present and environmental constraints. Following this analysis, MAC 15.2 removes the settlement boundaries for Penhow, Lower Machen, Nash, Llandevaud, Goldcliff, Peterstone Wentlooge and Redwick. Development proposals in these small settlements will be assessed in the light of LDP and national planning policies concerning development in the countryside and other material considerations.

5.4.2 Policy SP5 -Countryside states that development in the countryside (land lying beyond the settlement boundaries) will only be permitted where the use is appropriate in the countryside, respects the landscape character and biodiversity of the immediate and surrounding area and is appropriate in scale and design. Housing development beyond the settlement boundaries will only be appropriate where they comply with national planning policy. Planning Policy Wales notes at paragraph 9.2.22 that *in order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside, away from existing settlements recognised in development plans or from other areas allocated for development, must be strictly controlled. Many parts of the countryside have isolated groups of dwellings. Sensitive filling in of small gaps, or minor extensions to such groups, in particular for affordable housing to meet local need, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages.*

- 5.4.3 Both PPW and the LDP also have an overarching sustainability policy stance that seeks to locate development in sustainable locations, which in general, are considered to be urban forms within defined settlement boundaries. Brownfield land should also be used in preference to greenfield land.
- 5.4.4 The village of Peterstone consists of a cluster of approximately 50 residential properties, a church, community hall and a pub. The application site is located within the village, off Broadstreet Common, with residential properties located either side. Given the site's position within the village and adjoining properties, development of the site for residential purposes is considered to represent a form of infill development, which PPW considers may be acceptable in a countryside location if done sensitively and having regard to the character of the area and accessibility issues. The existing property sits within a large plot of land and an additional dwelling on this plot is not considered to be at odds with the densities in the neighbouring curtilages and generally within the village. The replacement of the existing property and replacement with 2 dwellings is therefore considered to be acceptable in terms of the character of the village.
- 5.4.5 There are a number of facilities located within Peterstone, however, there does not appear to be a bus service available to residents and future occupiers of the properties are therefore likely to be heavily reliant on the car to access wider services and facilities. The village is however only 2 miles from Marshfield and approximately 8 miles from Newport City Centre. Overall, the proposed residential development is considered to represent infill development on brownfield land, situated within a village with a number of community facilities, but which lacks public transport links.

Green Belt

- 5.4.6 The application site is located within the Green Belt. Policy SP6 – Green Belt, states that development that prejudices the open nature of the land will not be permitted. Given the application site's position within village, the proposed development is not considered to prejudice the open nature of the Green Belt.

Special Landscape Area

- 5.4.7 The land is also within the Wentlooge Levels Special Landscape Area and proposals are therefore required to contribute positively to the area through high quality design, materials and an appreciate of the area's special features. The designation of a SLA does not preclude development but the introduction of 2 new dwellings should be designed to respect the recognised landscape features in the locality. Further details can be found in the Special Landscape Background Paper prepared to support the preparation of the LDP. The proposal retains the existing trees situated on the southern and northern boundaries of the site. The site should therefore remain well screened and is considered to have a limited impact on the landscape setting of the village.

Floodrisk

- 5.4.8 The site is located within Flood Risk C1 and it is noted that a Flood Consequence Assessment (FCA) has been submitted in support the application. The FCA will need to demonstrate that the tests set out in Technical Advice Note 15 can be satisfied and demonstrate that the site can mitigate the flood risk over the 100 year lifetime of development of the site. It will also need to show that access and egress routes are safe in a flood event. You are advised to seek guidance from Natural Resources Wales.

Loss of Community Facility

- 5.4.9 The application form notes the current use of the existing property is a C3 dwelling house. This should, however, be clarified as previous history with the property indicates that it is a care home and therefore falls within use class C2. If this is the case, the property is considered to be a form of community facility and the applicant needs to satisfy the requirements of Policy CF12 – Protection of Existing Community Facilities.

Development Management Considerations

- 5.4.10 Standard development management considerations also need to be satisfied, including:
- High quality design that respects the character of the area.
 - Sufficient car parking and access arrangements.

- Does not represent an over-development of land.

Planning Obligations

5.4.11 The site is located within the 40% affordable housing submarket area of Caerleon and Rural Newport. The views of the Planning Contributions Manager should be sought to establish the planning obligations triggered by the development.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties with a common boundary with the application site were consulted (04 properties). Comments have been received from 3 neighbouring properties. One response objects to the proposals and the other two are supportive.

Points raised in objection are:

- The proposed house adjacent to 'Gwynllwg' is too large and too near the boundary leading to an overbearing effect.
- The proposed houses are overly large and are out of scale with existing dwellings that are nearby. The ridgelines should be lowered and the overall massing reduced.
- The proposed dwelling near 'Gwynllwg' is too close to the mature hedgeline and would damage the roots of the hedge. Service runs may cause further damage and there is insufficient room to erect scaffolding.
- Foundations from the new dwelling near Gwynllwg would impinge on ownership of Gwynllwg.

Points raised in favour:

- Ending the care home use would be beneficial to neighbours.
- Additional housing is required in the village.

6.2 **COUNCILLORS:** Councillor Suller has expressed an interest in the application and has requested that it be called to Planning Committee if Officers recommend approval for the following reasons:

- Overbearing effect on neighbours
- Flooding (Tan 15)

6.3 **WENTLOOG COMMUNITY COUNCIL:** Supports the proposal since it is within the 'village envelope'

7. ASSESSMENT

7.1 The Site

7.1.1 The site lies within the village of Peterstone Wentlooge on the western Gwent Levels. The site currently has permission as a small care home limited to 4 patients (Use Class C2) which was granted permission under a 'Ground a' appeal against an enforcement notice in 2009. The existing building takes the form of a large bungalow in a generously sized plot. The building is set back from the B4239 Coast Road beyond Broadstreet Common and a reen. The site is accessed via a drive which has a shared element where it joins the adopted highway. The existing building is screened by dense vegetation between it and the highway. Even allowing for the residential development in this part of the village the overall feeling along this section of the B4239 is distinctly rural in character and appearance.

7.1.2 The existing care home is limited by condition to 4 residents and the appeal confirmed staffing would be 5 during the day and 2 during the night giving a maximum occupancy of 9 persons on the site during the day and 6 persons at night.

7.1.3 The site lies within Flood Zone C1 of the Welsh Government's Development Advice Maps (defended floodplain), is in the countryside for planning purposes and lies within the Green Belt, an Archaeological Sensitive Area, a Special Landscape Area and is part of the Developed Coastal Zone.

7.2 The Proposal

7.2.1 The proposal is to demolish the existing building and replace it with two dwellings both of two storeys. The eastern house would use the existing drive and the western one would be accessed via a new driveway which would cross the ree and the common land to the north of the site. This would necessitate removing some of the existing belt of trees that currently screen the Lodge. Proposed dimensions are:

	House Type 1 (west)	House Type 2 (east)
Length (max)	27.4	19.4
Depth (max)	11.8	14.4
Eaves	5.29	5.64
Ridge	9.63	8.77
Other features	<ul style="list-style-type: none">• Triple Garage• 2No. chimneys• First Floor Balcony• 7 double bedrooms (4 ensuite)	<ul style="list-style-type: none">• Double garage• Prominent front gables• Rear balcony• Single chimney• 3 storeys of accommodation• 5 double bedrooms (4 ensuite)

7.2.2 Ground floors typically provide living rooms, cooking facilities, utility rooms, studies, WC, parking and circulation areas with sleeping accommodation and bathrooms upstairs. Both house types would have a first floor balcony.

7.3 Key issues are:

- Impact on neighbouring properties.
- Impact on the character and appearance of the area.
- Flooding.
- Sustainability of the Location and compliance with national policy.

Minor Issues are:

- Cessation of Nursing Home use
- Impact on Trees
- Impact on the Green Belt.
- Impact on the Special Landscape Area.
- Impact on Archaeology.
- Amenity of future occupiers.
- Junction visibility.
- Parking provision.
- Proposed Boundary Treatments.
- Level Changes on the Site
- Impact on Broadstreet Common

7.4 Impact on Neighbouring Properties

7.4.1 The adjacent properties are 'Gwynllwg' to the west and Church Mews to the east. The Lodge is contained by mature boundaries on both its eastern and western perimeters. These consist of:

- Eastern boundary (Church Mews): close board fencing with significant amounts of mature vegetation apparently under the control of Church Mews.
- Western boundary (Gwynllwg): close board fencing and a large leylandii type hedge approximately 5m high. The hedge appears to be under the control of the owners of Gwynllwg.

These boundaries act as effective screens between the amenity areas of the proposed dwellings and the existing dwellings. The Lodge currently has a form of residential use being a small care home and prior to that a dwelling house. In essence this relationship is not changing and there is no reason to think any harm would accrue from the outside amenity areas of the proposed dwellings.

- 7.4.2 The proposed dwellings are of substantial scale. In terms of Church Mews the relationship with the easternmost house will be acceptable with Church Mews being set back behind the proposed dwelling. The approximate separation is 17m and the existing boundary is heavily vegetated and views are consequently filtered. The proposed first floor balcony potentially offers views back towards Church Mews but subject to a condition controlling the opacity of the screen then harm could be acceptably mitigated. The only other sensitive window in this elevation serves an ensuite bathroom and it could be conditioned that the window should be obscured. As such no adverse impact on the amenity of the occupiers of Church Mews is anticipated. The owners of Church Mews have written in support of the development proposal.
- 7.4.3 In terms of the relationship with Gwynllwg that boundary is even more vegetated with a significant and dense leylandii type hedge reaching approximately 5m in height. The proposed dwelling is close to this boundary. However the eaves height would only be marginally higher than the hedge and then the roof slopes away from the boundary. As such the anticipated impact on Gwynllwg would be negligible notwithstanding the significant mass of the proposed house. The hedge is under the control of Gwynllwg and the only first floor windows in the western elevation of the proposed house serve a stairwell and a bedroom. However the bedroom window would be high level and would not offer any views towards the front garden of Gwynllwg or towards Gwynllwg itself. In any event the existing hedge would block such views.
- 7.4.4 The resident at Gwynllwg has objected to the proposal on the basis of the massing and siting of the westernmost house and has suggested that the new house would be sited on land outside the ownership of the applicant. The applicant has said this is not the case and so the matter becomes a civil issue in the event there is any contention. There is no reason to think that the application is invalid. The new dwelling is undoubtedly close to the boundary but there is no reason to think it would prejudice the retention of the neighbour's hedge. Points in relation to the erection of scaffolding or the 'spread' of foundations onto land in adjacent ownership are also ultimately civil matters. The siting and massing of the proposed western house are considered acceptable and would not have any significant impact on the amenity of neighbours. Policy GP2 of the adopted NLDP is complied with.

7.5 Impact on the character and appearance of the area

- 7.5.1 The principle impact on the character and appearance of the area would be via the provision of the new access to the western plot which would cross the reeve and common land to join the B4239 in close proximity to the existing access to the lodge. The site visit shows that this area contains mature trees that have a screening function for the Lodge and significantly add to the green and rural character of this part of Broad Street Common since they separate the existing dwellings from the common and disguise the built character of this part of the village. They provide significant rural ambience.
- 7.5.2 From the submission it is not clear that the access can be provided as proposed without the removal of any of the trees. Any tree loss would be undesirable and contrary to NLDP Policy GP5vii which seeks the retention of trees of wildlife or amenity value. However the site visit confirms that a suitable drive can be provided without removing any trees and it is considered that details of the drive including its siting and construction can be conditioned in order to protect the trees and ensure their long-term retention. As such the character and appearance of the common can be protected via the conditional regime and this would not amount to a reason to refuse permission. In terms of the impact of the development upon the common the Council's Chief Legal Officer has been consulted but no comment has been received.
- 7.5.3 In terms of the dwellings, the setback from the 'B' road in combination with the screening vegetation means that the impact on the character and appearance of the area will be very limited and would not be unacceptably adverse.

7.6 Flooding

- 7.6.1 The site lies within a defended flood plain as identified in the Welsh Government's Development Advice Maps. National policy advises that development be directed away from such sites. It is necessary for any new development in defended floodplains to be justified in their location.
- 7.6.2 The relevant justification test is at Paragraph 6.2 of Technical Advice Note 15. Any new development in Zone C must be necessary as a regeneration initiative or strategy to sustain an existing settlement or it should be necessary to contribute to key employment objects again to sustain an existing settlement or region. Furthermore it must concur with the aims of Planning Policy Wales and consist of previously developed land. Finally it should be shown that the effects of flooding on the site can be managed via a technical assessment that confirms any flood event will fall within specified limits. Further clarification of Welsh Government flooding policy was provided by the Welsh Government's Chief Planner in January 2014 following extensive flooding on the English side of the Severn estuary. A list of acceptable flooding criteria was provided with the requirement that any proposed development met all the relevant criteria.
- 7.6.3 On its face the proposal cannot be justified within the floodplain. The development is not necessary to sustain the existing settlement and nor would it support employment objectives. As such it is development that should be directed to Zones A or B which would be acceptable in flooding terms. The land is previously developed since it contains a house and its curtilage. The applicant has produced a Flood Consequences Assessment (FCA) which has been commented on by CNC/NRW. The FCA does not address all of the acceptability criteria in the January 2014 letter but has not attracted an objection from CNC/NRW subject to a condition setting floor levels is applied to any permission granted.
- 7.6.4 However the Council's duty is wider than the consideration of CNC/NRW. CNC/NRW do note that the evacuation routes would not be available at all times which is a requirement of the January 2014 advice. CNC/NRW note that site (as opposed to the dwellings) would not be flood free in the 1 in 200 year tidal flood allowing for climate change and advise that this is not compliant with the advice of Table A1.14 of TAN 15 but consider that given the existing use of the site is residential that this does not amount to a worsening over the existing position.
- 7.5.5 CNC/NRW note that the evacuation routes would flood beyond tolerable levels in the extreme event (1 in 1000) and further note that not all of the criteria in Table A1.15 are considered on the site. Only depth is addressed with velocity, rate of rise and speed of inundation not being addressed. However the depth of water within the dwellings would be within the tolerable levels (600mm). As such there are significant omissions within the FCA.
- 7.5.6 In terms of the evacuation routes CNC/NRW advise as follows:
*There are details of emergency access and evacuation route as part the NRW data request appended to the FCA. Details of depths and velocities of flooding on this route can be seen in table 6 of the data request. This shows maximum predicted depths to be 2.14 metres and maximum predicted velocities as 1.74 m/s. This corresponds to a flood hazard of 'Danger for all'. * This relates to the 1 in 200 year flood in 2115 at the end of the development's life.*
- 7.5.7 The applicant has provided further information in response to the comments of CNC/NRW in relation to the access road / evacuation route:

	200 year event (2115)	1000 year event (2115)
Depth	390mm	1100mm
Velocity	0.76 m/s	0.94 m/s

Table A1.15 of TAN15 gives indicative advice on tolerable conditions within an extreme flood event (1 in 1000). Further clarification is given in the January 2014 clarification as follows:

In respect of the residual risk to the development it should be designed so that over its lifetime (A1.5) in an extreme (1 in 1000 chance) event there would be less than 600mm of water on access roads and within properties, the velocity of any water flowing across the development would be less than 0.3 m/second on access roads and 0.15m/second in properties, and the maximum rate of rise of floodwater would not exceed 0.1m/hour. (see table A1.15).

In this case the application fails to meet the specified criteria with the water being both deeper and faster than tolerable levels within the evacuation routes both in terms of CNC/NRW's advice and the applicant's own subsequent assessment.

- 7.5.8 Overall the proposal meets the requirements of TAN15 within the dwellings in relation to water depth during the 1 in 1000 year flood subject to slab levels being appropriately conditioned. It is not known if the other requirements of Table A1.15 of the TAN are met since this information is not provided. It is clear that evacuation routes (accesses) will be significantly outside the Table A1.15 criteria. As such the proposal does not meet the January 2014 Ministerial advice. As such the proposal is clearly in breach of national and local flooding policy regardless of the justification point.
- 7.5.9 However the current situation on the site should be acknowledged. The site has a lawful use as a care home conditioned to 4 residents. However staffing levels were significant with 5 staff present during the day and 2 staff present at night. Clearly the staffing level would be dependent on the needs of the particular residents and those at the time of the appeal clearly had significant needs which was a major factor in the Inspector's conclusion that the building was in use as a care home rather than as a dwelling house (which the appellant had claimed). However it seems reasonable to assume that any future residents might also exhibit the same higher dependency and that staff levels as reported at the appeal are typical and generally representative of units at this scale of operation. In short the care home had a higher typical occupancy than might be expected of the building as a dwelling.
- 7.5.10 The Council's adopted Supplementary Planning Guidance 'Outdoor Play Space Provision' (January 2017) gives an average occupancy of 4 persons for houses of 4 bedrooms or more. This means the anticipated average occupancy for this proposal would be 8 persons. In essence this is the same as the current lawful position with 9 persons being present in the day on the site and 6 at night. Arguably the overnight users are more vulnerable to flooding due to issues of being asleep and the greater difficulties of evacuation in the dark probably during bad weather. The proposal would have two more persons present at night but the likelihood is that they would be persons more able to deal with a flood event than the residents of the care home. As such the greater overnight occupancy of the proposal above the current scenario is not considered to be harmful.
- 7.5.11 Additionally the current building is a bungalow with no prospect of a dry refuge upstairs in the event of a flood and the residents not being able to leave the site. The applicant proposed containment in the event of the 1 in 1000 year flood. It is not known how long that period of containment would last bearing in mind those contained would lack heat, light, water and hygienic facilities but on analysis this does not matter since the provision of the dry refuge is a betterment over the current position and the proposal would not on average increase the number of those at risk. Overall in terms of risk to persons the proposal is a betterment over the current position and therefore acceptable regardless of the failure to comply with Policy. In the event the existing building was a single dwelling house with a lower average occupancy than the care home then this would not be the case and the Policy non-compliance would amount to a reason to refuse permission.
- 7.5.12 The consequences of a flood event go beyond the risk to persons. The risk to property is a clear consideration and the consequent harm to the interests of the displaced residents are also relevant. The impacts of a flood event go beyond the immediate. However as noted the numbers of residents at risk changes only slightly and the FCA shows that the House (if not its curtilage) will be dry in the 1 in 200 year tidal flood which is the requirement under TAN15. As such the flood risk to property is acceptable.

7.7 Sustainability

7.7.1 Peterstone is in the countryside for planning purposes. Under the Unitary Development Plan 1996-2011 Peterstone had a village boundary but that was removed under the Local Development Plan process due to the low sustainability of the village. The appointed Inspector reported as follows:

3.10 The focus of locations for new housing development in more accessible locations within the urban area rather than the smaller outlying settlements is consistent with broad principles governing sustainably-located new development. In addition, villages within the Gwent levels are constrained by natural heritage, flood risk and (in some instances) Green Belt/green wedge considerations. Given the proximity of villages within the Newport local authority area to Newport itself I find no overriding need in rural social sustainability terms for making specific housing development allocations within the settlements outside the identified urban area.

3.11 The submitted Plan identifies development boundaries for the outlying settlements, thus distinguishing them from the surrounding countryside and offering some potential for the occasional infill development opportunity and for provision of community facilities, or affordable housing where need might be identified (subject to detailed policies within the Plan, including consideration of flood risk). However, some of these settlements are very small and moreover either lack local facilities or are in areas of high environmental constraint. Identifying development boundaries for such settlements does not sit comfortably with the underlying aims of the Plan seeking sustainably located new development.

*3.12 During the examination the Council undertook further analysis of the characteristics of these settlements, having regard to their scale and form, facilities present and environmental constraints. Following this analysis, **MAC 15.2** removes the settlement boundaries for Penhow, Lower Machen, Nash, Llandevaud, Goldcliff, **Peterstone Wentlooge** and Redwick. Development proposals in these small settlements will be assessed in the light of LDP and national planning policies concerning development in the countryside and other material considerations.*

7.7.2 The Inspector concluded that Peterstone was not a sustainable settlement and concluded that there were no socio-economic reasons to make housing allocations within peripheral villages within Newport due to their close location to the main settlement; in contrast to more deeply rural locations in more isolated parts of Wales where housing allocations would be justified despite the poor sustainability credentials of those settlements.

7.7.3 The Inspector did not discount the possibility of development within these smaller settlements in Newport but notes that they would be subject to national policy. National policy contained in Planning Policy Wales Edition 9 (PPW9) states at Paragraph 9.2.22:

In order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside, away from existing settlements recognised in development plans or from other areas allocated for development, must be strictly controlled. Many parts of the countryside have isolated groups of dwellings. Sensitive filling in of small gaps, or minor extensions to such groups, in particular for affordable housing to meet local need, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages.

7.7.4 The policy allows for limited in-filling or even the extension of small groups of houses in the countryside. There is no presumption in favour with clear limitations being identified in the national advice including accessibility to main towns and villages, the need to minimise use of the car and the efficient and cost-effective provision of services all of which would go against development in less sustainable locations such as Peterstone. PPW9 advises at Paragraph 4.7.4 that *'development plan settlement strategies and new development are consistent with **minimising the need to travel and increasing accessibility by modes other than the private car**'*. In this context it can be seen that the Inspector's decision to remove the settlement boundaries from less sustainable settlements is entirely consistent with national policy. As such there is an in principle objection in place for further housing

development within Peterstone since it is a less sustainable location and there is no overriding social or economic need for housing in the village as might be found in more remote settlements distant from larger urban centres.

7.7.5 However the existing situation remains relevant. The existing use is as a care home with staffing levels being as high as 5 persons during the day. Additionally the residents could have expected visits by care professionals and relatives all of which would have generated vehicle movements to the home as it is most unlikely any of these persons would have been resident in the settlement or have used sustainable transport forms to access the village, since as noted the village is not a sustainable location. The applicant has not provided a Transport Statement to go with the application but it seems unlikely that on an average occupation of 8 persons the development would generate significantly more, or indeed anymore vehicular movements than the existing lawful use as a care home. Consequently although the additional dwelling cannot be seen as a sustainable form of development it would not be any more unsustainable than the existing scenario and as such the unsustainable location of the development would not constitute a reason to refuse permission on this occasion. Had the site been a single dwelling this would not have been the case since the additional dwelling would have caused a clear worsening in terms of vehicle movements.

7.8 Cessation of Nursing Home Use

7.8.1 The applicant has provided no information on the cessation of the care home use. However the site visit confirms that the site is neglected and has not been in use for some time. The Lodge does not appear on the Care Inspectorate Wales website and no past inspection reports are available at the current time. As such it is not possible to tell when the use ceased. However on the balance of probabilities it was some time ago.

7.8.2 The relevant policy is CF12 which restricts the loss of community facilities unless it can be shown that alternative provision has been made or that the existing provision is surplus to need. Given the home met a small scale need for only 4 persons, it is currently vacant and no case was made historically to show it met a particular need that could only be catered for in this location the loss is not considered to be demonstrably harmful to the public interest. As such although the policy has not been shown to be strictly complied with, on the balance of probability the loss will not cause any harm to the public interest and does not constitute a reason to withhold permission.

7.9 Level Changes on the Site

7.9.1 The submitted topographical survey shows that the current finished floor level is at 5.86m AOD with garden levels being at or above 5.86m AOD. Under this proposal the finished floor level of the new houses would need to be 5.85m AOD i.e. no significant change.

7.10 Trees

7.10.1 The residential part of the current site (as opposed to the common land in front of the site) contains some fruit trees and some very heavily pollarded larger trees in the south west of the site. None of these trees are of significant amenity benefit and their removal would not be of any concern. However the trees fronting the property within the common act as screening and make a significant contribution to the rural ambience of this part of the village. The eastern house would use the existing access and have no impact on the trees within the common. The western house would have a new drive. It is not clear from the information provided whether the new drive would require the removal of any trees but the site visit shows that a drive can be accommodated without any significant trees being removed and it is proposed to condition the precise siting and construction of the drive in order to protect the trees in front of the site. Other conditions can protect the trees during the construction process.

7.11 The Green Belt

7.11.1 The site is within the Green Belt. Paragraph 4.8.9 of PPW9 contains the following policy:

Settlements and other developed sites within a Green Belt should only be included as part of the Green Belt if no new building, or infilling only, is proposed. Policies should list and define the boundaries of settlements where infilling would be permitted. Settlements and other sites where limited expansion is proposed should be excluded from the Green Belt and policies for those settlements should be included in the development plan.

The above confirms settlements within the green belt may be subject to some in-filling but also notes that the boundaries of settlements where infilling is acceptable should be defined. This is somewhat inconsistent since on one hand it suggests all green belt settlements may have in-filling but then suggests only those with defined boundaries may have in-filling.

7.11.2 Peterstone is not a defined settlement. Paragraph 4.8.16 of PPW9 describes inappropriate development in the Green Belt and notes limited in-filling is not inappropriate in identified settlements. As such on its face limited in-filling within Peterstone is contrary to national advice on green belt since it would be in-fill development outside a defined settlement. However PPW9 further advises that development in the green belt would be appropriate so long as the openness of the green belt is maintained and the purposes of including land within the green belt is not undermined. Those purposes are to:

- *prevent the coalescence of large towns and cities with other settlements;*
- *manage urban form through controlled expansion of urban areas;*
- *assist in safeguarding the countryside from encroachment;*
- *protect the setting of an urban area; and*
- *assist in urban regeneration by encouraging the recycling of derelict and other urban land.*

7.11.3 In this case there would be harm to openness given two large two storey dwellings would replace an albeit large 'bungalow' style structure. However that harm is very limited given that the development is contained by existing dwellings to the east, west and south and given the plot size any perceived harm to openness would be slight. The screening effect of the trees in the common is noted but not relied upon given that PPW9 advises that '*the fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area*'. Should the proposal go ahead none of the reasons for including land within the Green Belt would be prejudiced. As such some very slight harm to openness is identified but this is highly moderated by the particular site setting, that is the site is already developed as are the plots around it. Nevertheless this slight harm would weigh against the proposal.

7.12 Special Landscape Area

7.12.1 The site is within the Wentlooge Levels Special Landscape Area (SLA). These are protected under Policy SP8 which requires proposals to *contribute positively to the area through high quality design, materials and management schemes that demonstrate a clear appreciation of the area's special features*. In this case the applicant has not demonstrated any particular appreciation of the characteristics of the SLA and the proposed designs do not relate to anything around them. However the proposed dwellings sit within the settlement of Peterstone and would be read against a backdrop of existing housing development which itself does not display any strong vernacular or sense of place. As such in this part of the SLA the chosen design, massing and indicative materials are acceptable.

7.12 Archaeology

7.12.1 The site lies within an Archaeologically Sensitive Area. However the Glamorgan & Gwent Archaeological Trust (GGAT) advises that a suitable condition can protect any archaeology encountered on the site.

7.13 Amenity of future occupiers

7.13.1 The proposed dwellings would be approximately 3.2m apart. However most facing windows serve bathrooms and the glazing can be obscured under condition. In the case of the

western plot there is also a first floor balcony but any inter-visibility between the houses or towards the garden area of the eastern plot can be overcome by a condition requiring appropriate screening on the eastern elevation of the balcony.

7.13.2 The western Plot also has an upstairs window serving a first floor landing. This faces towards the front garden of the eastern plot. However the front garden of the eastern plot is adjacent to the highway and although screened by trees from the road it would offer less privacy than would be expected of a rear garden and consequently this overlooking from the landing is not considered harmful. The eastern plot also has a large rear garden that would offer suitably private outdoor amenity space sufficient to meet the needs of the occupiers. Amenity space for the western plot is also considered to be sufficient in area and quality to meet the needs of the future occupiers.

7.14 Junction visibility

7.14.1 The Highways Section has raised concerns over visibility from the proposed new drive. However the site visit confirms that anyone exiting the proposed drive would be able to see as far as it is possible to see to the east; approximately 180m to where the road makes a sharp turn to the left. Likewise visibility to the west is unimpeded for approximately 200m. Speeds within this part of the village are limited to 30mph but even allowing for those exceeding this limit visibility is good from the proposed junction and there is no reason to think that the new access would be unsafe. Additionally there are several other private accesses to houses in this section of the road so any motorist will be aware of the risk of emerging vehicles and can be expected to show appropriate caution in terms of moderating speed regardless of the posted speed limit. Additionally the common is open and any emerging vehicles would easily be seen by any traffic travelling along the coast road and vice versa. There is no reason to think the proposed new access would be unsafe.

7.15 Parking provision & Boundary Treatments

7.15.1 The adopted 'Parking' SPG requires 3No. spaces for houses of 3 or more bedrooms. The houses have two garage spaces each and adequate room for other vehicles to park and turn outside. Parking arrangements are compliant with the adopted SPG

7.15.2 Existing boundaries are as previously described in this report and appear to be under the control of neighbours. As such the only concern relates to the proposed boundary between the two houses. This can be controlled under condition.

7.16 Level Changes on the Site

7.16.1 The submitted topographical survey shows that the current finished floor level is 5.86m AOD with garden levels being at or above 5.15m AOD. Under this proposal the finished floor level of the new houses would need to be 5.85m AOD i.e. no significant change and no impact on neighbours or the character & appearance of the area in terms of level changes.

7.17 Impact on Broadstreet Common

7.17.1 The area of the application site to the north of the ree within the application area is common land. In essence this means that it should be kept open and that its usage by the commoners for grazing and other rights should not be impeded. There are extensive legal protections over commons which are enforced by the Council.

7.17.2 The applicant has red-lined the common and is in effect seeking to establish residential use over all of the land within the red line for residential purposes. This would include the parts of the common within the application site. The only proposed physical change within the common would be the provision of the new access drive.

7.17.3 Although the common has legal protections it is proposed to condition any permission granted so that no part of the common land may be used for any residential purposes other than transit to and from the site so that the applicant has no misconceptions over what usage rights they have on this land.

17.7.4 Subject to appropriate controls over the new access including its means of construction no unacceptable harm to the appearance or usage of the common is anticipated under this proposal from the new access per se and Policy CE3 (Environmental Spaces) is complied with.

17.8 Section 106 Planning Obligation matters

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

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
Regeneration, Investment and Housing	to provide off site affordable housing	£3,212	Sum agreed as requested	None raised

8. OTHER CONSIDERATIONS

8.1 ***Crime and Disorder Act 1998***

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

8.2 ***Equality Act 2010***

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met

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

9. CONCLUSION

9.1 The proposal is acceptable for the reasons outlined above.

10. RECOMMENDATION

GRANTED WITH CONDITIONS SUBJECT TO A S106 AGREEMENT WITH DELEGATED AUTHORITY TO REFUSE PERMISSION IF THE AGREEMENT IS NOT SIGNED WITHIN 3 MONTHS OF A RESOLUTION TO GRANT PERMISSION

Plans

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

- Drawing AL(90)03 A – Proposed Front & Side Elevations for House Type 1
- Drawing AL(90)04 A – Proposed Rear & Side Elevations for House Type 1
- Drawing AL(90)06 A – Proposed First Floor & Loft Plans for House Type 2
- Drawing AL(90)07 A – Proposed Elevations for House Type 2
- Drawing AL990)01 – Proposed Site Plan (other than in relation to the access drive to House Type 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

Materials

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

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

Tree Protection

03 No development, to include demolition, shall commence until a Tree Protection Plan (in accordance with BS 5837:2012) has been submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall contain full details of the following:

- (a) Trees and hedges to be retained / felled clearly identified and marked on a plan;
- (b) Trees and hedges requiring surgery;
- (c) The root protection areas to be identified on plan for retained trees and hedges;
- (d) The type and detail of the barrier fencing to be used to safeguard the root protection areas;
- (e) The precise location of the barrier fencing, to be shown on plan.

The development shall be carried out in accordance with the approved Tree Protection Plan.

Reason: To protect important landscape features within the site.

Archaeology

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

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

Drainage

05 No development, other than demolition, shall commence until full details of the foul and surface drainage systems has been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented fully in accordance with the approved scheme prior to the occupation of any dwelling.

Reason: To ensure adequate drainage is provided.

Pre – construction conditions

Driveway

06 No works to the proposed driveway to House Type 2 shall commence until details of the precise location and means of construction (including re-en crossing) have been provided in writing to the Council. Following the Council's written agreement the driveway shall be implemented as agreed and retained as such thereafter.

Reason: to protect existing tree features on the site, to protect the integrity of the local drainage system and to protect the appearance of Broadstreet Common in the interests of the character and appearance of the area.

Pre –occupation conditions

Boundary Treatments

07 Full details of the proposed boundary treatments shall be submitted in writing to the Local Planning Authority. Following the Council's written agreement the approved boundary treatments shall be provided fully in accordance with the approved details prior to the first occupation of the associated dwellings and then retained as such thereafter.

Reason: To protect the amenity of occupiers, neighbouring occupiers and the character & appearance of the area.

Balcony Screen House Type 2

08 Details of a privacy screen on the eastern elevation of the first floor balcony of House Type 2 which is to include a return of at least 0.3m on the balcony's southern elevation shall be provided to the Council in writing. Following the Council's written agreement the balcony screen shall be installed as approved prior to the occupation of that house and shall be retained as approved thereafter.

Reason: to protect the amenity of neighbouring occupiers.

Windows / Balcony Screens House Type 1

09 The east facing window at first floor level in House Type 1 and the east facing balcony screen shall be obscured minimally to Pilkingtons Privacy Level 3 (or any equivalent standard) and shall be installed prior to the occupation of that dwelling. No windows other than shown in the approved plans shall be provided at first floor level or higher in the eastern elevation of the house without the prior written permission of the Council.

Reason: to protect the privacy of adjacent occupiers.

Directive Conditions

FFL

10 Finished floor levels of the houses hereby approved shall be set at 5.85 metres above Ordnance Datum (AOD) (Newlyn).

Reason: To reduce the risk of flooding to the proposed dwellings and future occupants.

Common Land

11 No land to the north of the re-en on the site (for clarity, common land) shall be used for any residential purposes whatsoever other than transit to and from the approved dwellings. The common land shall not be used as domestic garden nor any operational development carried out other than as allowed for under this permission in relation to the proposed new access.

Reason: to protect the openness of the common & the rights of its users and to protect the character and appearance of the common and the wider rural environment.

NOTE TO APPLICANT

01 This decision relates to the following plans and documents in addition to those in Condition 01:

- Drawing AL(00)10 – Existing Ground Floor Plan
- Drawing AL(00) 11 – Existing Elevations
- Drawing AL(00)02 – Existing Site Topographical Survey
- Design & Access Statement

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP5, SP6, SP9, SP13, GP1, GP2, GP4, GP5, GP6, CE6, CE9, H2,H4, H6, T4, CF12 & W3 were relevant to the determination of this application.

03 Adopted Supplementary Planning Guidance relevant to this determination was:

- New Dwellings
- Parking
- Affordable Housing
- Planning Obligations
- Archaeology & Archaeologically Sensitive Areas
- Wildlife & Development
- Trees, Woodland, Hedgerows and Development Sites

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

05 Occupiers of the dwellings are advised to sign up to Cyfoeth Naturiol Cymru / Natural Resources Wales 'Floodline' since this site is within a defended floodplain.

06 Works to the common may require the approval of the Welsh Government under Section 38 of the Commons Act 2006. See:

<https://gov.wales/topics/planning/developcontrol/commonland/?lang=en>

APPLICATION DETAILS

No: 18/0195 **Ward:** *SHAFTESBURY*

Type: FULL

Expiry Date: 28-MAY-2018

Applicant: *JASON CONIBEER, NEWPORT CITY COUNCIL*

Site: *12A, EVANS STREET, NEWPORT, NP20 5LD*

Proposal: *ERECTION OF FENCING AND GATES AROUND EXTERNAL PLAY AREA INCLUDING THE SITING OF A STEEL CONTAINER*

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks planning permission for the erection of fencing and gates around the outside of an area of land attached to Shaftesbury Community Centre in order to provide a secure external play area.
- 1.2 The proposal seeks to erect 2.4m high weld-mesh fencing in green (RAL 6005) around the outside of an area connected to Shaftesbury Community Centre. It is also proposed to insert 3no gates, 1no external door connecting the building to the secure area and the siting of 1no steel container. The proposed container would be blue in colour and would measure a height of 2.4m, a length of 6m and a depth of 3m.

2. RELEVANT SITE HISTORY

No relevant site history.

3. POLICY CONTEXT

- 3.1 Policies GP2 (General Amenity) and GP6 (Quality of Design) of the Newport Local Development Plan 2011-2026 (adopted January 2015) are relevant to the determination of this planning application.
- 3.2 Policy GP2 (General Amenity) states: development will be permitted where, as applicable:
- i) There will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;
 - ii) The proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;
 - iii) The proposal seeks to design out the opportunity for crime and anti-social behaviour;
 - iv) The proposal promotes inclusive design both for the built development and access within and around the development;
 - v) Adequate amenity for future occupiers.
- 3.3 Policy GP6 (Quality of Design) states: good quality design will be sought in all forms of development. The aim is to create a safe, accessible, attractive and convenient environment. In considering development proposals the following fundamental design principles should be addressed:
- i) Context of the site: all development should be sensitive to the unique qualities of the site and respond positively to the character of the area;
 - ii) Access, permeability and layout: all development should maintain a high level of pedestrian access, connectivity and laid out so as to minimise noise pollution;

- iii) Preservation and enhancement: where possible development should reflect the character of the locality but avoid the inappropriate replication of neighbouring architectural styles. The designer is encouraged to display creativity and innovation in design;
- iv) Scale and form of development: new development should appropriately reflect the scale of adjacent townscape. Care should be taken to avoid over-scaled development;
- v) Materials and detailing: high quality, durable and preferably renewable materials should be used to complement the site context. Detailing should be incorporated as an integral part of the design at an early stage;
- vi) Sustainability: new development should be inherently robust, energy and water efficient, flood resilient and adaptable, thereby facilitating the flexible re-use of the building. Where existing buildings are present, imaginative and sensitive solutions should be sought to achieve the re-use of the buildings.

4. CONSULTATIONS

4.1 None.

5. INTERNAL COUNCIL ADVICE

5.1 None.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All neighbours with a common boundary and opposite were consulted (12no. properties) and no comments were received.

7. ASSESSMENT

7.1 This application seeks to fence off an area associated with Shaftesbury Community Centre to be used as an external play area.

7.2 The proposed fence would be a dark green weld mesh fence at a height of 2.4m. There are houses located north of the proposed site; however, these are approximately 8m away from the proposed fencing and steel container. The open mesh type design would allow light to penetrate through, as such it is not considered that the fence would appear overbearing or be considered to cause any harm to neighbouring occupiers in terms of visual amenity or loss of light. Whilst the proposed fencing would be visible from the streetscene, given the minor scale of the fencing and its distance from neighbouring properties, it is not considered that it would have a detrimental impact on local residential amenity. The area being enclosed currently contributes very little to the visual amenity of the street and the fencing will facilitate more beneficial use of the compound for the sake of the community and benefitting visual amenity by re-using a vacant piece of land. The steel container will have an adverse impact on visual amenity as such containers by their nature are not well suited to residential environments. However, it is appreciated that at this point in time it will serve a useful purpose and has been sited in a position that is not unduly dominant; it will be located in the northern part of the fenced off area. However it is not an appropriate form of the development on a permanent basis and a condition limiting consent for this aspect of the proposal is considered reasonable and necessary. The aim is to create a safe, accessible, attractive and convenient environment. The proposed scale and form of the development appropriately reflects the area and would provide a safe and secure play area to be used in association with the community centre. Therefore it is considered that the proposed development is in accordance with policy GP6 subject to the conditions recommended..

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

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

8.2 *Equality Act 2010*

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

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

9. CONCLUSION

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

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Proposed Plans and Elevations Steel Container Location P4, Proposed Plans and Elevations Container and Gate Details P4 and Fence Details P1.

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 Planning permission for the steel container hereby approved is for a limited period expiring on June 30th 2020 at which time the container shall be removed in its entirety from the land and the land restored to its former condition.

Reason: In the interests of visual amenity.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan P1, Site Location Plan P2, Existing Plans and Elevations P3, Proposed Plans and Elevations Steel Container Location P4, Proposed Plans and Elevations Container and Gate Details P4 and Fence Details P1.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2 and GP6 were relevant to the determination of this application.

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

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

APPLICATION DETAILS

No: 18/0233 **Ward:** *MARSHFIELD*

Type: FULL (MAJOR)

Expiry Date: 30-MAY-2018 **EXTENDED:** 28-JUN-2018

Applicant: *IQE*

Site: *LAND TO NORTH EAST OF AND ADJACENT TO CELTIC WAY, CELTIC LAKES, NEWPORT*

Proposal: *PROVISION OF STAFF AND VISITOR CAR AND CYCLE PARKING, A SECURE EXTERNAL PLANT COMPOUND WITH MULTIPLE COVERED STORAGE AREAS AND SINGLE STOREY GAS BUNKER; 2NO. SPRINKLER TANKS, ROOF MOUNTED PLANT AND DISCHARGE FLUES INSTALLATION OF 16NO.REFRIGERATION UNITS, EXTERNAL ALTERATION TO FABRIC OF BUILDING AND CREATION OF NEW ACCESS JUNCTION ONTO CELTIC WAY*

Recommendation: **Granted with conditions**

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the provision of staff, visitor and cycle parking areas, an external plant compound, 2 no. sprinkler tanks, roof mounted plant and discharge flues, 16 no. refrigeration units, external alterations to the existing building and the creation of a new access on to Celtic Way.
- 1.2 The application site relates to a building known as 12-21 Celtic Way, Imperial Park. IQE Europe Ltd intend to occupy the building, which is a global semiconductor company that manufacture epitaxial wafers used in various technology applications. The application is Phase 2 of the CS Cluster Project, which seeks to develop a hub of facilities in South Wales for research, development, education into and manufacturing of compound semi-conductors.
- 1.3 Phase 1 was granted under application 17/0171 which was determined under delegated powers. That application involved a car park, service yard and external alterations to a section of the building. This application builds on that initial application.

2. RELEVANT SITE HISTORY

96/0663	CONSTRUCTION OF AN INTEGRATED PLANT FOR THE MANUFACTURE OF TELEVISION MONITORS COLOUR PICTURE AND COLOUR DISPLAY TUBES OTHER ELECTRONICS EQUIPMENT (LG ELECTRONICS INC.) A WAFER FABRICATION AND ASSEMBLY PLANT (LGSEMICON CO LTD) INCLUDING ANCILLARY BUILDINGS AND USES AND ASSOCIATED BUILDINGS, ENGINEERING AND OTHER OPERATIONS AND LANDSCAPING (CLASS B2 OF THE TOWN & COUNTRY PLANNING (USE CLASSES) ORDER 1987) (INVOLVING THE DIVERSION OF PUBLIC FOOTPATHS 7 AND 8 AND THE STOPPING UP OF PUBLIC HIGHWAYS CELTIC WAY AND DYFFRYN LANE)	Granted with conditions
17/0640	CONSTRUCTION OF NEW JUNCTION, NEW CARRIAGEWAY, RESURFACING AND CAR PARK	Granted with conditions
17/0171	CONSTRUCTION OF CAR AND CYCLE PARK, SERVICE YARD WITH SPRINKLER TANK AND SUBSTATION, SECURE PLANT AREA WITH STORAGE VESSELS, NEW LOUVRE IN SOUTH EAST ELEVATION, NEW ROLLER SHUTTER IN NORTH EAST ELEVATION, EXTERNAL STAIRCASE TO NORTH EASTERN ELEVATION, INSTALLATION OF 6NO. REFRIGERATION PLANT UNITS AND FLUE TO ROOF	Granted with conditions
18/0298	NEW RIBBON GLAZING, CURTAIN WALLING AND REGLIT PANEL TO NORTH WEST ELEVATION OF	Under determination

	EXISTING COMMERCIAL BUILDING	
18/0383	HAZARDOUS SUBSTANCE CONSENT FOR THE STORAGE AND USE OF 0.447 TONNES OR ARSINE (ARSENIC TRIHYDRIDE)	Under determination

3. POLICY CONTEXT

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

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

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

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

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

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

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

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

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

4. CONSULTATIONS

4.1 WALES AND WEST UTILITIES: No response.

4.2 SOUTH WALES FIRE AND RESCUE: No response.

4.3 NEWPORT CIVIC SOCIETY: No response.

4.4 WESTERN POWER DISTRIBUTION: Advise of apparatus in the area.

4.5 NATURAL RESOURCES WALES: We would have significant concerns with the proposed development as submitted. We would recommend the Local Planning Authority should only grant planning permission if they attach conditions. These conditions would address significant concerns we have identified and we would not object provided they attach them to the planning permission.

4.5.1 We consider that there are potential land contamination issues associated with the historic use of the proposed development site, which could have an impact on environmentally sensitive controlled waters. Therefore, the proposed development will be acceptable if

measures are implemented and secured by way of planning conditions on any permission the Local Planning Authority is minded to grant.

- 4.6 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: The application site is situated on the intersection of solid geology and the alluvial geology of the Levels, and there is a long history of prehistoric, Roman and Medieval settlement. Archaeological work, including evaluation and geophysical survey, in the areas adjacent has identified palaeo environmental evidence and archaeological remains including buried land surfaces, and land and water management in this area. However, the wider site underwent archaeological mitigation for the construction of the original factory and associated developments in the mid 1990s and the site has subsequently been landscaped.
- 4.6.1 The application site is outside both the Archaeologically Sensitive Area of the Gwent Levels, and the Gwent Levels Registered Landscape of Outstanding Historic Interest; boundaries to these are a minimum of 250m south.
- 4.6.2 We note from the supporting information that the proposals are for developments that will not create deep ground disturbance and have planning consent; this application includes arrangements for road access that will require alteration to drainage; we also note that there is a depth of disturbed and made ground. There is no adverse impact on the setting of the Registered Landscape, as the proposal is within an area which has been built on and will not alter the character. It is therefore our opinion that any impact on the archaeological resource has already occurred and we do not make any recommendations.
- 4.7 DWY CYMRU – WELSH WATER: Referring to section 12 of the application form, it is currently unknown if the applicant needs to connect to the public sewerage system and therefore Dwr Cymru Welsh Water has no 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.
- 4.7.1 We also note in Section 4.2 of the submitted Flood Consequences Assessment that the applicant intends to utilise Sustainable Urban Drainage Systems (SUDS) to deal with any increase of surface water run-off generated from the proposed development. We therefore have no objections to this.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF LAW AND REGULATION (ENV.HEALTH): No objections to the proposals; however due to the introduction of additional external plant and equipment a condition restricting the noise emitted from plant and equipment should be imposed.
- 5.2 HEAD OF LAW AND REGULATION (CONTAMINATION): The proposed development includes a large area of car parking. To encourage the uptake of low/ultra low/ zero emission vehicles it is recommended a number of the parking spaces are installed with Electric Vehicle Charging Points. It is also recommended that an additional number of parking spaces are installed with the cabling for electric vehicle charging points to be installed at a later date to avoid costly retrofitting.
- 5.2.1 Given the industrial nature of the area there is the potential for contamination to be encountered during the site works. However, the proposed development does not include any areas of exposed soils. As a precautionary measure it is recommended the application is conditioned with a contaminated land watching brief condition.
- 5.3 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPE): No soft landscape scheme has been submitted. Given the scale of the development site, a green infrastructure plan should be requested to show how the proposals will enhance existing green infrastructure within the site and link to adjoining sites, in addition to providing amenity value for employees and visitors to the business park. There is very little ecological or amenity interest at present.
- 5.3.1 The application should conform to GP5 General Development Principles – Natural Environment vi: ‘the proposal includes an appropriate landscape scheme which enhances the site and the wider context including green infrastructure and biodiversity networks’.

Professional landscape architect input should be employed to provide a soft landscape plan, ten year maintenance and management plan, working with an ecologist (and referencing the submitted ecological report) to add amenity and ecological value.

5.4 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): Extensive pre application discussion and a major pre application consultation was undertaken on this proposal. The only outstanding issue is the lack of a continuous footway on Celtic Way linking the proposed access to the bus stops on the A48 Cardiff road. Subject to the missing length of footway being provided I would not oppose this application.

5.5 HOUSING AND COMMUNITY REGENERATION MANAGER (ECONOMIC DEVELOPMENT): No response.

5.6 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): No response.

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

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties sharing a common boundary with the application site were consulted (2 properties), a site notice displayed and a press notice published in South Wales Argus. No responses.

6.2 COEDKERNEW COMMUNITY COUNCIL: No response.

7. ASSESSMENT

7.1 The existing building has a B2 use by virtue of the 96/0663 permission. The building has been unoccupied since its construction during the mid-1990's. Its occupation by a high tech manufacturing business which would provide a potential for up to 650 skilled jobs is welcomed by the Council.

7.2 The proposals – parking areas

In detail the proposals consist of staff, visitor and cycle parking areas. Three areas of vehicle parking are proposed. The first car park would be located to the north east of the site and it would be accessed from an existing internal estate road which is due to be upgraded as part of a Welsh Government scheme. The Welsh Government scheme was granted planning permission (reference 17/0640) in December 2017 and involved the provision of a new junction off an existing roundabout, the construction of a new carriageway, a new car park which would be adjacent to this proposed car park and the upgrade of the existing internal estate roads. The proposed car park would provide 219 spaces for staff. The car park would be finished with tarmac along the access routes, with permeable block paving for the parking and bay delineation in brick. Lighting columns would be provided within the parking area.

7.2.1 The applicant has stated that the precise number of jobs to be created by the occupation of the building is as yet unknown. The first phase of development is expected to deliver a total of 60 jobs although these numbers could increase significantly through these current proposals. The onward occupation of the building by IQE and future ambitions for an additional organisation to develop a hub within the building could result in up to 650 members of staff. It is therefore proposed to provide two further areas of car parking. One to the south of the main building (260 spaces) and another to the west of the building (40 spaces). Both of these car parks would be accessible from Celtic Way through the proposed new access. The application provides limited information about these car parks and the applicant is requesting that a condition is imposed to secure their detailed design prior to works commencing on these car parks.

7.2.2 External Plant Area and Service Yard

A plant area measuring around 5,400 sqm would be created to the east of the existing building. The plant area would contain 6 secure storage areas along with a general store and a gas bunker. The gas bunker would measure 16.1m by 11m with a height of 4.5m, it would be finished with white cladding to match the existing building. A service bridge would provide a link between the gas bunker and the main building. The boundary with the

internal estate road would have a 3m precast concrete wall and the remaining perimeter would have a 3m high black weld mesh fence.

7.2.3 A further service yard would be created to the north east of the existing building which would have an approximate area of 2,500 sqm. This would be used for deliveries and shipping. It would also accommodate two sprinkler tanks which would be 6m in diameter and 5.4m in height. The boundary treatment to this yard would be 3m high black weld mesh fence.

7.2.4 **Roof mounted plant and discharge flues**

16 no. chiller units would be located on top of the roof on its north western side. These would be screened by an acoustic screen to a height which matches the existing stairwell parapet height. 8 no. discharge flues would be installed on the roof top plant area on the south eastern portion of the building. The flues would measure 900mm in diameter and would extend around 3m above the existing roof of the building.

7.2.5 **External alterations to the existing building**

The following alterations are proposed to the existing building:

- New doors and windows are proposed to each elevation of the unit;
- A new roller shutter is proposed on the north eastern elevation of the building that would provide access into the service yard area;
- The main entrance position would be relocated on the south west elevation (front elevation facing Celtic Way), a new canopy is proposed over the main entrance and new curtain wall glazing is proposed on the second level; and
- A louvre panel on the south east elevation would be replaced with cladding to match the existing building.

7.3 It is of note that another planning application is currently being considered by the Council for new ribbon glazing, curtain walling and a reglit panel to the north western elevation. The application reference is 18/0298.

7.4 **General Amenity**

The neighbouring uses consist of a data storage centre to the north west and other industrial uses to the east which form part of Imperial Park. The nearest residential properties are around 275m away. It is not considered that the proposed development would conflict with the existing industrial uses nor would there be any harmful impacts on the residential amenity of those properties given the intervening distance. The Head of Law and Regulation (Environmental Health) has not raised an objection to the application but recommends a condition restricting the noise level from plant and equipment to not exceed 5db below the existing background level.

7.4.1 The applicant has requested that this condition is amended so that the noise level from plant and equipment is no more than equal to the existing background level. Two additional conditions are suggested by the applicant to ensure that compliance with this noise level is demonstrated and that the plant be modified or shut down if the noise level is exceeded. The Head of Law and Regulation is satisfied with the amended noise level and the suggested conditions which are duly imposed.

7.5 **Visual Impact**

The proposed development involves a number of external alterations to the existing building, including new doors, windows, roller shutters, new glazing, cladding and a new entrance. The proposal also involves the provision of new plant equipment, acoustic screening and flues on the roof of the building, along with the provision of parking areas to the front (south west) and the side (south east).

7.5.1 The surrounding area has an industrial context and as such the addition of industrial equipment and flues is not considered to be out of place in this context. Furthermore the taller flues and acoustic screening would be read along side the neighbouring building (occupied by Next Generation Data) which is taller still and as such the increases in height would not appear disproportionate to the scale and character of the surrounding area.

- 7.5.2 It is proposed to provide a car parking area to the front of the building and to the south east. It is also proposed to provide a secure plant area, service yard and car parking to the north east of the building. There is currently a mixture of road, grass verge and scrub land in these areas. The Councils Landscape Officer has commented that a green infrastructure plan should be submitted to show how the proposals would enhance existing green infrastructure within the site and link to adjoining sites, whilst also providing amenity value for employees and visitors to the business park.
- 7.5.3 The applicant has commented that they would have concerns about providing landscaping within secure areas and storage compounds as there is a need to avoid personnel using these areas. The landscape officers' comments are noted however, it is recognised that the rest of the developed areas of Imperial Park consist of buildings, hardstanding, mown grass and verges with a sparse number of trees. It is considered that in this context it is unreasonable to require the applicant to provide such green infrastructure where it would appear that other infrastructure does not exist elsewhere. It is also noted that the car park approved under application reference 17/0640 which would sit adjacent to the proposed north eastern car park does not have any landscaping within the car park.
- 7.5.4 Notwithstanding this, it is considered that there is merit in providing some soft landscaping in the car parking area which would be situated at the front of the building, particularly as the car park would result in a loss of grass verge and its visual impact would be more apparent. As the final details of the car park would be secured through a condition it is considered appropriate to require details of landscaping through that condition.
- 7.5.5 The applicant has shown a security hut which would be located near to the entrance of the car park and service yards to the rear of the building. The applicant has stated that the hut would measure 5.2m by 3.4m, with a height of 2.5m however these measurements are indicative only. Detailed drawings of the hut have not been provided and the applicant has requested that the precise design and dimensions be secured through a condition. It is considered that a building in this location would be acceptable particularly given its indicative size and the surrounding context of the large scale industrial buildings. A condition is recommended to secure the final design.

7.6 Highways

The proposal doesn't involve a change of use and as such it is not reasonable to assess the acceptability of the proposed parking provision or the impact on the local highway network. The applicant has nevertheless submitted a Transport Assessment which concludes that the parking provision would be sufficient for the operational needs of the site and the junction capacity assessments show that the proposed new access junction on to Celtic Way would work well within capacity and the impact of traffic associated with the IQE building on neighbouring junctions is low. The assessment also includes a travel plan which sets out measures to encourage cycling and car sharing. The provision of a travel plan is welcomed in the interests of sustainable development however, it would not be reasonable to require its implementation given that the proposal does not involve any new use of the building.

- 7.6.1 The Councils Highways Engineer has no objection to the proposals subject to the provision of a continuous footway on Celtic Way linking the proposed new access to the bus stop on the A48 Cardiff Road. Whilst this requirement is understood it is not considered reasonable to require the applicant to provide such a footway as the proposal doesn't involve a new use of the building and it could be occupied without a footway and without the need for planning permission.

7.7 Contamination

Natural Resources Wales consider that there are potential land contamination issues associated with the historic use of the proposed development site, which could have an impact on environmentally sensitive controlled waters. They do not object to the proposed development if measures are implemented and secured by way of conditions. The conditions require a risk assessment, site investigation remediation measures and a verification plan; a verification report; a monitoring, maintenance and contingency report; a remediation strategy of any unforeseen contamination and the prevention of the infiltration of surface water drainage into the ground. These conditions are duly attached.

7.8 **Drainage**

The application site is located outside of a flood zone; nevertheless the applicant has submitted a flood consequences assessment. The assessment identifies that small areas of the site are at medium and low risk of surface water flooding. The proposed scheme would result in an additional 0.22ha of tarmac path, 0.63ha of tarmac road and 0.74ha of permeable paving. The assessment recommends that surface water drainage mitigation measures are required and SuDS is the proposed mitigation. No further detail has been provided about the proposed drainage scheme and it is noted that Natural Resources Wales has concerns about contamination of the site. They recommend that a condition is imposed to prevent the infiltration of surface water drainage into the ground. Given the contamination concerns and the lack of drainage details it is also considered necessary to impose a condition requiring an alternative drainage scheme.

7.8.1 Welsh Water has no objection to the development as it is intended to use SuDS to dispose of an additional surface water runoff. They identify that there is a trunk water main in proximity to the application site and advise the applicant to contact them in respect of this. The applicant has been passed on this advice and an informative is also added to alert them to this.

7.9 **Archaeology**

The Glamorgan Gwent Archaeological Trust advise that the wider Imperial Park site underwent archaeological mitigation for the construction of the original factory and associated developments in the mid 1990's and the site was landscaped afterwards. The application site is not located within an Archaeologically Sensitive Area or within the Gwent Levels Registered Landscape of Outstanding Historic Interest. The Trust advice that the proposed development would not have an adverse impact on the setting of the Registered Landscape and the proposal is within an area which has been built on and will not alter the character. They have no objections to the proposal.

7.10 **Ecology**

The applicant has submitted an Ecological Impact Assessment which describes the site as a large industrial building and an area of sparse scrub/hardstanding. The assessment concludes that the building is not suitable to support any protected species such as bats and nesting birds and the remainder of the hardstanding/hardcore/scrub has limited potential to support foraging and nesting birds, reptiles and invertebrates. The assessment also considers emissions from the proposed flue with regards to designated sites within 2km. The only designation within 2km is the Gwent Levels – St Brides SSSI. The assessment notes that emissions from the site during operation have the potential to travel significant distances depending on the prevailing wind conditions. The assessment recommends roof abatement is fitted to the flue to reduce emissions to meet relevant air quality standards, reducing this risk and keeping the rates within emission limits. A condition requiring development to take place in accordance with the Ecological Impact Assessment would ensure these recommendations are implemented.

7.11 **Other matters**

The Councils Scientific Officer recommends that a number of parking spaces should be installed with electric vehicle charging point to encourage the uptake of low/ultra low/zero emission vehicles. It is recognised that the application site does not lie within an Air Quality Management Area however, in the interests of sustainable development it is considered necessary to require the provision of such charging points through the condition which requires details of the car parks to the front of the building and to the south east.

8. **OTHER CONSIDERATIONS**

8.1 ***Crime and Disorder Act 1998***

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

8.2 **Equality Act 2010**

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

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

9. **CONCLUSION**

9.1 The proposed development is considered to be acceptable and is in accordance with policies SP1, SP9, GP2, GP4, GP5, GP6, GP7 and W3 of the Newport Local Development Plan. It is recommended that planning permission is granted with conditions.

10. **RECOMMENDATION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: IQE-ATK-ZZ-ZZ-PL-A-0500 rev P2.1, IQE-ATK-ZZ-ZZ-PL-A-0501 rev P2, IQE-ATK-ZZ-ZZ-PL-A-0505 rev P4, IQE-ATK-ZZ-ZZ-PL-A-0530 rev P2, IQE-ATK-ZZ-ZZ-PL-A-0531 rev P2, IQE-ATK-ZZ-ZZ-PL-A-0532 rev P2, IQE-ATK-ZZ-ZZ-PL-A-1150 rev P4, IQE-ATK-Z1-RF-PL-A-0110 rev P2, IQE-ATK-Z1-RF-PL-A-1301 rev P2, IQE-ATK-Z1-ZZ-EL-A-0400 rev P2, IQE-ATK-Z1-EL-A-1402 rev P2, IQE.P3-ATK-HGN-ZZ-DR-D-001, Ground Interpretation Report (April 2018, Atkins), Ecological Impact Assessment (January 2018, Atkins), Transport Assessment (March 2018, Atkins), Flood Consequences Assessment (December 2017, Atkins) and Planning Statement (March 2017, Lichfields).

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 Notwithstanding the submitted plans, no development shall commence until a scheme showing how surface water drainage generated by the development will be dealt with, has

been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed scheme and implemented in full prior to being brought into beneficial use.

Reason: To ensure that effective drainage facilities are provided for the proposed development and to ensure that there are no risks to controlled waters.

03 Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

Reasons: To ensure there are no risks to controlled waters.

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

Reason: To ensure there are no risks to controlled waters.

05 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reasons: To ensure there are no risks to controlled waters.

Pre – construction conditions

06 Prior to the construction of the car parks located to the south west and south east of the existing building details of the car parks shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- A layout of the parking spaces;
- A landscaping scheme and management plan; and
- The location and provision of electric vehicle charging points.

The layout and electric vehicle charging points shall be implemented in accordance with the approved details prior to the use of the car parks.

The landscaping 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 car parks. Thereafter, the landscaping shall be maintained for a period of 5 years from the date of planting. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: In the interests of visual amenity and sustainable development.

07 Notwithstanding the submitted plans, prior to the construction of the security hut as shown on drawing IQ-ATK-ZZ-ZZ-PL-A-0505 P3 full elevational drawings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

08 Prior to the use of the flue stack roof abatement measures shall be fitted in accordance with the recommendations of the Ecological Impact Assessment (Atkins, January 2018). The abatement measures shall be retained during the operation of the flue stack.

Reason: In order to protect the ecological interests of the Gwent Levels – St Brides SSSI.

General conditions

09 Noise emitted from plant and equipment located at the site shall be controlled such that the rating level, calculated in accordance with BS4142 2014, does not exceed the existing background level, with no tonal element to the plant.

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

10 Following the installation of no more than two plant units and within the first month of operation of the plant the operator shall employ an appropriately qualified consultant to assess the level of noise emissions from the plant and demonstrate compliance with Condition 09. The noise assessment shall be undertaken by the consultant in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority. The approved noise assessment shall be carried out and a final report detailing the results submitted to the Local Planning Authority within the first six months of the operation of the plant. During the course of any noise assessment conducted under this condition, should the development be identified as operating above the parameters specified in condition 09, the development shall be modified limited or shut down and the Local Planning Authority informed within 24 hours of this occurring. These measures shall be applied until such time as maintenance, modification or repair is undertaken sufficient to reduce the absolute noise level from the development to within the parameters specified in Condition 09.

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

11 At the written request of the Local Planning Authority the operator of the development shall employ an appropriately qualified consultant to assess the level of noise emissions from the development at noise sensitive receptors (as specified by the Local Planning Authority) following procedures and methodology described in BS 4142:2014. During the course of any noise assessment conducted under this condition, should the development be identified as operating above the parameters specified in condition 09, the development shall be modified limited or shut down and the Local Planning Authority informed within 24 hours of this occurring. These measures shall be applied until such time as maintenance, modification or repair is undertaken sufficient to reduce the absolute noise level from the development to within the parameters specified in Condition 09.

12 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 are satisfactorily addressed and there are no risks to controlled waters.

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

Reason: To ensure that there are no risks to controlled waters.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, GP2, GP4, GP5, GP6, GP7 and W3 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 proposed development is crossed by a 300mm trunk water main. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. It may be possible for this water main to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer should consult Dwr Cymru Welsh Water before any development commences on site.

APPLICATION DETAILS

No: 18/0233 Ward: **MARSHFIELD**

Type: Full (Major)

Expiry Date: 30-MAY-2018 EXTENDED: 28-JUN-2018

Applicant: **IQE C/O AGENT**

Site: **Land To North East Of And Adjacent To Celtic Way, Celtic Lakes, Newport**

Proposal: **PROVISION OF STAFF AND VISITOR CAR AND CYCLE PARKING, A SECURE EXTERNAL PLANT COMPOUND WITH MULTIPLE COVERED STORAGE AREAS AND SINGLE STOREY GAS BUNKER; 2NO. SPRINKLER TANKS, ROOF MOUNTED PLANT AND DISCHARGE FLUES INSTALLATION OF 16NO.REFRIGERATION UNITS, EXTERNAL ALTERATION TO FABRIC OF BUILDING AND CREATION OF NEW ACCESS JUNCTION ONTO CELTIC WAY**

1. LATE REPRESENTATIONS

1.1 NATURAL RESOURCES WALES: We have reviewed the submitted Ground Interpretation Report and would continue to recommend the conditions as outlined in the committee report be included on any permission your authority is minded to grant. In addition, we are satisfied with the wording in relation to Condition 3 and Condition 4 being amended to 'prior to the beneficial use of the development' in line with the wider site.

1.2 IQE C/O AGENT: The applicant has provided some background information about the programme which has lead up to the submission of this application. The following information has been provided:

In May 2017 the Cardiff Capital Region Cabinet agreed to contribute £38.5m from the CCR City Deal's Wider Investment Fund towards the establishment by IQE plc of this pioneering facility, as an anchor in the region for high end production of compound semiconductors. The signing was the first such investment since the £1.2bn CCR City Deal programme was formally signed on March 1, 2017.

The aim is to support the development of CS Connected - a compound semiconductor industrial cluster in the region – with the potential to leverage £375m of private sector investment, create up to 2,000 high skilled jobs, return the investment for use on other regional schemes, and create hundreds more jobs in the wider supply chain cluster.

Since the signing, IQE has experienced considerable growth and has started recruiting for more than 50 roles at the Newport site, demonstrating the positive growth of the compound semiconductor cluster in the region.

- 1.3 CHAIR OF PLANNING COMMITTEE: The Chair of Planning Committee has requested additional information in relation to the process involved in the manufacture of semiconductors, with particular interest in the emissions from the proposed discharge flues. The applicant has provided the following technical summary to help explain the process:

The Operator manufactures advanced electronic and opto-electronic Group III - Group V semiconductor structures to customer specification, using a process known as Metal Organic Chemical Vapour Deposition (MOCVD). This process involves the growth of semiconductors using substrates such as gallium arsenide and indium phosphide in a wafer form and the epitaxial deposit of material onto these substrates using carrier gases. Small quantities of gaseous dopants (hydrogen with a low concentration of disilane and hydrogen sulphide) are also introduced to produce the desired crystals.

Each Aixtron G4 reactor in which MOCVD is undertaken is located in its own clean room bay. Inputs to the process are supply gases and wafers, which are manually loaded into the reactors. Arsine, nitrogen and hydrogen are gases used in the Aixtron G4 reactors and they are reacted at temperatures up to 1200oC, producing finished wafers and process exhaust gases.

These process exhaust gases emit to air from the facility via chemisorption abatement units, which abate process emissions and minimise the release of potentially polluting substances. Hydrogen carrier gas also passes through the abatement systems and is diluted prior to stack emission. Natural Resources Wales granted the Environmental Permitting Regulations Permit allowing these emissions for the first phase of the manufacturing on the 23rd May 2018.

The hazardous substance consent for the storage and use of Arsine that is referenced elsewhere in this application relates only to the future phases of the site.

- 1.4 PLANNING OFFICER: In order to provide greater flexibility in how the site is developed it is recommended that condition 2 is amended to ensure surface water drainage details are submitted to and approved by the Local Planning Authority prior to hardsurfacing works being undertaken in the service yards and the north eastern car park (car park 1). It is also recommended that condition 6 is amended to require the submission of surface water drainage details before the car parks to the south east and south west of the existing building are constructed. It is also recommended that condition 13 is amended which would require the applicant to demonstrate that any proposals to dispose surface water drainage through infiltration methods would not pose a contamination risk to controlled waters.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

- 2.1 The comments received from Natural Resources Wales are noted and the relevant amendments to the wording of conditions 3 and 4, as listed in the committee report, are recommended.
- 2.2 The background investment information provided by the applicant is noted.

- 2.3 The technical process summary is noted and it is further reiterated that the Head of Law and Regulation (Environmental Health) and Natural Resources Wales have not raised any concerns in relation to air quality and emissions.

3. OFFICER RECOMMENDATION

- 3.1 Officers continue to recommend planning permission is granted subject to conditions.

- 3.2 Condition 02 is amended to read (the changes are highlighted in bold):

Notwithstanding the submitted plans, **prior to the construction of the hardstandings of the service yard, specialist plant area and car park 1 (as shown in drawing IQE-ATK-ZZ-ZZ-PL-A-0505 rev P4) details of a** scheme showing how surface water drainage generated by the **hardstandings** will be dealt with **shall be** submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed scheme and implemented in full prior to being brought into beneficial use.

Reason: To ensure that effective drainage facilities are provided for the proposed development and to ensure that there are no risks to controlled waters.

- 3.3 Condition 03 is amended to read:

Prior to the beneficial use of the development hereby approved the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

Reasons: To ensure there are no risks to controlled waters.

- 3.3 Condition 04 is amended to read:

Prior to the beneficial use of the development hereby approved a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To ensure there are no risks to controlled waters.

- 3.4 Condition 6 is amended to read:

Prior to the construction of the car parks located to the south west and south east of the existing building details of the car parks shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- **A scheme showing how surface water drainage generated by the hardstandings will be dealt with;**
- A layout of the parking spaces;
- A landscaping scheme and management plan; and
- The location and provision of electric vehicle charging points.

The **surface water drainage scheme**, layout and electric vehicle charging points shall be implemented in accordance with the approved details prior to the use of the car parks.

The landscaping 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 car parks. Thereafter, the landscaping shall be maintained for a period of 5 years from the date of planting. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: In the interests of visual amenity and sustainable development.

3.5 Condition 13 is amended to read:

Notwithstanding the information submitted, no infiltration of surface water drainage into the ground is permitted unless details have first been submitted to and approved in writing by the Local Planning Authority to demonstrate that there is no resultant unacceptable risk to controlled waters. Thereafter development shall be carried out in accordance with the approved details.

Reason: To ensure that there are no risks to controlled waters.

APPLICATION DETAILS

No: 18/0237 **Ward:** RINGLAND

Type: FULL

Expiry Date: 06-JUN-2018

Applicant: GAIL BISHOP, NEWPORT NORSE

Site: YSGOL GYMRAEG CASNEWYDD, HARTRIDGE FARM ROAD, NEWPORT, NP18 2LN

Proposal: DEMOLITION OF EXISTING STEEL AWNING AND FRAMEWORK AND AUTOMATED CANOPY AND THE INSTALLATION OF A NEW STEEL FRAMED CANOPY WITH A POLYCARBONATE ROOF

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

1.1 This application seeks planning permission for the removal and replacement of an external canopy at Ysgol Gymraeg Casnewydd, which lies within the Ringland Ward of Newport. The proposed canopy would be sited on the south-west elevation of the building facing the side of the school's car park and a play area.

2. RELEVANT SITE HISTORY

11/1056	PROPOSED EXTERNAL CANOPY FOR OUTDOOR PLAY	GRANTED CONDITIONS	WITH
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3. POLICY CONTEXT

3.1 *Newport Local Development Plan 2011-2026 (Adopted January 2015)*
Policy GP2 (General Development Principles – General Amenity) states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
Policy GP6 (General Development Principles – Quality of Design) states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

4. CONSULTATIONS

4.1 None.

5. INTERNAL COUNCIL ADVICE

5.1 None.

6. REPRESENTATIONS

6.1 NEIGHBOURS: Due to the location of the application site, no neighbouring properties were consulted, however a Site Notice was erected for 21 days and no comments were received.

6.2 COUNCILLORS: HAYAT, LINTON AND LACEY were consulted and no comments were received.

7. ASSESSMENT

7.1 This application seeks consent for the replacement of a canopy which currently measures 4.00 metres in height, spanning a width of 24.50 metres. The canopy would measure 3.00 metres in height and would have a width of 11.00 metres.

7.2 It is considered that the proposed canopy, by virtue of size, design and location would relate sympathetically to its surroundings and would not be a prominent or incongruous addition to the building. It is smaller than the canopy it replaces. Given its single storey scale and distance from neighbouring properties, it is not considered that it would have a detrimental impact on local residential amenity by way of overbearing impact, loss of light or loss of privacy. As such, the proposal is in accordance with policies GP2 and GP6 of the Newport Local Development Plan (Adopted 2015).

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

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

8.2 *Equality Act 2010*

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

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

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

9. CONCLUSION

9.1 Having regard to policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015), it is considered that the proposed canopy would be acceptable in terms of its size, design and impact on local visual and residential amenity. As such, it is recommended that planning permission is granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Proposed Detail Plan, Elevation and Section, Drawing No. BM_YGC_PO3, Site Location Plan, Proposed Plans and Elevations, Drawing No. BM_YGC_PO2.

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

NOTE TO APPLICANT

01 This decision relates to plan Nos: Proposed Detail Plan, Elevation and Section, Drawing No. BM_YGC_PO3, Site Location Plan, Proposed Plans and Elevations, Drawing No. BM_YGC_PO2.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2 and GP6 were relevant to the determination of this application.

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

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