

# Report

## Planning Committee

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### Part 1

Date: 4 July 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.

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

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

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

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

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

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

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

Where applicable as planning considerations, specific issues relating to sustainability and environmental issues, 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.

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

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determination, with costs awarded against the Council			unreasonably.	Development Services Manager
Judicial review successful with costs awarded against the Council	H	L	Ensure sound and rational decisions are made.	Planning Committee  Development Services Manager

\* Taking account of proposed mitigation measures

### **Links to Council Policies and Priorities**

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

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

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

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

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

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

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

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

## **Options Available**

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

## **Preferred Option and Why**

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

## **Comments of Chief Financial Officer**

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

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

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

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

## **Comments of Monitoring Officer**

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

## **Staffing Implications: Comments of Head of People and Business Change**

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

## **Local issues**

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

## **Equalities Impact Assessment and the Equalities Act 2010**

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

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

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

## **Children and Families (Wales) Measure**

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

## **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



1.

**APPLICATION DETAILS**

**No:** 18/0465      **Ward:** STOW HILL

**Type:** FULL

**Expiry Date:** 15-JUL-2018

**Applicant:** GARRISON BARCLAY ESTATES LTD

**Site:** CHARTIST TOWER, UPPER DOCK STREET, NEWPORT, NP20 1DW

**Proposal:** CHANGE OF USE OF CHARTIST TOWER TO PART HOTEL (USE CLASS C1), COMPRISING ANCILLARY FACILITIES (GYM, CONFERENCE SPACE, STORAGE SPACE, OFFICES & RESTAURANT) AND GROUND FLOOR COFFEE SHOP (USE CLASS A3) AT FORMER UNITS 8-11, PART RETENTION AND RECONFIGURATION TO CREATE OFFICE FLOOR SPACE (USE CLASS B1), CHANGE OF USE OF UNITS 1-3 TO A RESTAURANT (USE CLASS A3), AND EXTERNAL ALTERATIONS TO THE FACADE OF CHARTIST TOWER (TO INCLUDE ROOF TOP LOUVRES, CLADDING, NEW FENESTRATION AND GLASS BOX EXTENSION) AND TO THE RETAIL UNITS FRONTING UPPER DOCK STREET, AUSTIN FRIARS (FORMER UNITS 1-7 & 12-13) AND COMMERCIAL STREET (THE FORMER BHS)

**Recommendation:** GRANTED WITH CONDITIONS

**1. INTRODUCTION**

1.1 Planning permission is sought for the change of use of Chartist Tower in Newport for mixed use purposes, to include a hotel (Use Class C1), coffee shop and restaurant (Use Class A3), offices (Use Class B1), together with external alterations. The application site is located within the settlement boundary and wholly within the city centre shopping area. The site is located within the Town centre Conservation Area. Listed building are sited nearby and the site can be viewed from Newport Castle which is a grade II\* listed building and a Scheduled Ancient Monument. The eastern boundary of the site adjoins the designated café quarter. This is directly opposite the rear of Debenhams (on the opposite Upper Dock Street), which is part of the Friars Walk shopping centre – this forms part of the secondary shopping frontage, which also wraps around the eastern and southern site boundaries. To the west is Commercial Street, which is Newport’s main shopping street and is designated as primary shopping frontage. Corn Street marks the northern site boundary and provides vehicular access to the basement.

1.2 Chartist Tower, a 15 storey high-rise building that was constructed in the 1960s. The building includes vacant retail floor space (aside from Timpson and a hairdressers, both fronting Friars Walk) on the lower ground, ground, first, second and third floors (some of which has been subdivided to create small units), with redundant office floor space on the fourth to fifteenth floors. There is a basement car park providing 34 no. car parking spaces and servicing space for the upper floor units. This is accessed by a roller shutter door with ramped access onto Corn Street.

**2. RELEVANT SITE HISTORY**

96/1125	Change of use from A1 use to A3 use at 177 Upper Dock Street	Refused
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**3. POLICY CONTEXT**

- 3.1 The adopted Newport Local Development Plan 2011-2026 . The following policies are relevant to the determination of this application:
- Objective 1 which seeks to ensure sustainable use of land by locating development in sustainable locations
- Objectives 5. Conservation and the Historic Environment, 6. Conservation and the Natural Environment
- SP1 (Sustainability)** favours proposals which make a positive contribution to sustainable development.
- SP3 (Flood Risk)** ensures development is directed away from flood risk areas.
- SP9 (Conservation of the Natural, Historic and Built Environment)** protects habitats and species as well as Newport's listed buildings, conservation areas, historic parks and gardens, scheduled ancient monuments, archaeologically sensitive areas and landscape designated as being of outstanding historic interest.
- SP13 (Planning Obligations)** enables contributions to be sought from developers that will help deliver infrastructure which is necessary to support development.
- SP18 (Urban Regeneration)** supports development which assists the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land.
- 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.
- 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.
- GP6 (General Development Principles – Quality of Design)** states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.
- GP7 (General Development Principles – Environmental Protection and Public Health)** states that development will not be permitted which would cause or result in unacceptable harm to health.
- CE7 (Conservation Areas)** sets out the criteria that development proposals within or adjacent to the conservation area must comply with in order to preserve or enhance the conservation area.
- EM3 (Alternative Uses of Employment Land)** protects existing employment sites against development unless it can be demonstrated that the site has been marketed unsuccessfully for 12 months; there remains a sufficient range and choice of employment land to meet LDP requirements and local demand; there is no adverse impact on existing or allocated employment sites; and the proposal has no adverse impact on amenity or the environment.
- T4 (Parking)** states that development will be expected to provide appropriate levels of parking.
- R1 City Centre Schemes** states redevelopment schemes to enhance the provision of retail facilities in the City Centre will be favoured providing they are appropriate in scale, design and character.
- R2 Primary Shopping Frontage** states that the primary shopping frontage is defined on the City Centre inset and should be protected for ground floor retail unless it would not result in a break in the retail frontage which exceeds 15 metres; the proposal is not adjacent to another non-retail unit; 80% of the total length of frontage is maintained; the proposal does not involve a prominent or corner unit; design is acceptable; proposed uses are within Class A and any anticipated environmental disturbance can be controlled using conditions or noise abatement zone.
- R3 Non-Retail Uses in Secondary City Centre Shopping Areas** states the secondary shopping frontage is defined on the City Centre inset. Proposals for non-retail uses in the secondary frontages will be permitted provided that the proposal does not result in a break of the retail frontage of more than 20m; would not result in a gap in the retail frontage of more than 2 units; at least 60% of any frontage length is maintained in retail use; does not

involve a prominent or corner unit; would not adversely affect local residential amenity; any anticipated environmental disturbance can be controlled using conditions or noise abatement zone; and the development is accessible in terms of public transport provision and pedestrian movement.

**R4 Non-Retail Uses in Other City Centre Shopping Areas** states that non-retail uses in the City Centre outside of the primary and secondary shopping frontage areas will be permitted providing that the development would not adversely affect local residential amenity; have any anticipated environmental disturbance; and the development is accessible in terms of public transport.

**CF8 Tourism** promotes tourism related development particularly where regeneration objectives will be complemented.

#### **4. CONSULTATIONS**

4.1 WALES AND WEST UTILITIES: No response.

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

4.3 SOUTH WALES FIRE AND RESCUE: No response.

4.4 NEWPORT CIVIC SOCIETY: No response.

4.5 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: The application area is located in the Archaeologically Sensitive Area of Newport, in the area noted as the Medieval town core, and adjacent to the site of the 14th century Friary. Remains of this were encountered during development in 2014, and were excavated and recorded. The area of the current proposal includes the Chartist Tower, built in the 1960s, which, due to the slope of the land towards the river, means the current layout includes a lower ground floor/basement level. The proposed works to the present layout do not involve any significant ground disturbance works and whilst archaeological remains are known to have survived in the wider area, the proposal is unlikely to affect buried archaeological remains or require archaeological mitigation. There is no requirement for archaeological mitigation, we have no objection to the positive determination of this application.

4.6 CADW – ANCIENT MONUMENT: There are no scheduled monuments or registered historic parks and gardens that would be affected by the proposed development. We therefore have no comments to make on the proposed development.

4.7 DWR CYMRU – WELSH WATER: No objection to this application. However, would like to make the developer aware that the proposed development site is crossed by a public sewer with the approximate position being marked on the Statutory Public Sewer Record. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

A large diameter brick egg sewer is also located adjacent to the development site in Corn Street. As this is a strategic asset, we would not consider any future proposed connection into this sewer. However, we acknowledge the developer may utilize existing private drainage to communicate the foul flows from this development.

In terms of sewer treatment there are no problems envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

4.8 NATURAL RESOURCES WALES: the site lies within flood zone B as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Therefore no comment to make on the proposal. Recommend that the Councils Ecology Officer is consulted on the application.

#### **5. INTERNAL COUNCIL ADVICE**

- 5.1 **TEAM MANAGER REGENERATION:** The Chartist Tower's size and obvious vacancy give testimony that it has reached the end of its useful life as office accommodation. This obsolescence underlines the need for investment as well as a diversification of the usage classes that have been accommodated within since it was constructed in the late 1960s.

From an economic regeneration standpoint, the development should be welcomed. The proposed use clearly reflects the growing status of Newport as a destination and accords well with the authority's aspiration that the city receives the maximum benefit from economic developments of regional significance underway in Newport, notably the Welsh International Convention Centre and forthcoming improvements to the local transport infrastructure. The jobs accommodated and value generated across local supply chains, in both the construction phase and the completed development, are likely to be significant.

The most important success factor is quality. It is reported that a mid-range hotel operator has been secured for the hotel; however, the rooms proposed are high density and comparatively small to other 3-4 star operations. Securing a mid-range hotel will therefore depend on the quality of the other facilities available within, such as the café, restaurant and office/conferencing suites. The full benefit to the environment and economy of the city will also be contingent on the quality of this offer; the potential to deliver a step change in terms of the city centre's offer, perception and visitor demographic is also significant. It is unlikely that a more budget offer will deliver the same transformational effect, or even remain viable given more established operations nearby and the relative inefficiency of the high-rise layout.

The proposed images along with the status of the reported brand the hotel will operate under suggest that a development of quality will be delivered and underline the potential of the Chartist Tower redevelopment to become a key economic anchor for Commercial Street. The development will activate the building that can be considered the most visible symbol of Newport's decline over the previous decade, making a clear statement of Newport's recovery and ambition that also delivers genuine economic benefit to the city.

- 5.2 **HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS):** The property is located within the City Centre and therefore, in accordance with the Newport City Council Parking Standards, non-operational parking is not required due to the close proximity of a range of public transport links, facilities and services.

The existing building benefits from an off street service area serving several retail units and offices. It is proposed for this service yard be used solely for guests of the proposed hotel. The building is located at the heart of the city centre within short walking distance of the bus and rail stations. It is unusual for hotels in such locations to provide guest parking in the interest of sustainable development.

It has been proposed that delivery and pick up such as refuse collection for the retained retail units on Commercial Street and Upper Dock Street be provided on street. Upper Dock Street cannot be used as vehicular rights were removed several years ago but loading bays are located on Corn Street which may be used. Commercial Street forms part of the pedestrianised zone within the City Centre and additional delivery vehicles having to navigate Commercial Street to load and unload is unacceptable as this would be considered to be detrimental to pedestrians and subsequently highway safety. The positioning of existing street furniture will also mean that a delivery vehicle would obstruct Commercial Street whilst loading/unloading.

The provision of a loading bay on Corn Street has been considered and in principle appears acceptable subject to the provision of a Delivery Management Plan including direct supervision of deliveries between the loading bay and shop to ensure pedestrian safety. In order to provide a loading bay in this location alterations will need to be carried out involving relocating existing street furniture, change in surfacing materials and potentially strengthening/reconstruction of the existing pavement to ensure it is suitable to accommodate the weight and movements associated with larger vehicles.

Engineering and construction details associated with the provision of the loading bay must be secured via condition and any highway works would require the applicant to contact Streetscene to facilitate a S.111/278 Legal Agreement. No works can take place on the adopted highway until the agreement is in place and full authorisation has been granted by

the highway authority. For the purposes of the planning application a proposed layby layout must be submitted for consideration and should the application be approved, the layout must be conditioned. The suitability of the loading bay and impact on any existing street furniture must be assessed with a swept path analysis.

A condition for the lay bay should state that full engineering/construction details must be submitted for approval prior to any works being undertaken on the application site and that the bay must be constructed as approved prior to the use of the retail units on Commercial Street being occupied.

The applicant must note that whilst the general layout of the loading can be assessed at this time, the highways authority cannot comment on any existing statutory undertakers equipment located in this area which may affect the construction and indeed the provision of the loading bay.

In addition to the above, the submission of a delivery management plan (DMP) must also be conditioned which states that deliveries to the units on Commercial Street must be made via the loading bay on Corn street. The size of vehicle that will service the retail units must also be restricted in line with the swept path analysis. The DMP must also confirm that a banksman will be available for all deliveries.

5.3 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): No objection.

5.4 PLANNING POLICY MANAGER: Refers to LDP designations and relevant policies. The site is located within the settlement boundary and would see the conversion of a largely vacant office tower block into a new hotel along with ancillary facilities. The principle of development to convert the largely vacant office tower block into a hotel along with ancillary facilities is supported.

SP18 Urban Regeneration, The proposal seeks to regenerate one of Newport's most iconic landmarks, which has become tired and dated over the years. The proposal to subdivide and reduce the size of the former BHS store at the front of the property in an attempt to attract new retail outlets is supported. It appears from the drawings that the primary shopping frontage will be retained for retail, which is in accordance with Policy R2 of the LDP.

#### Primary and Secondary Retail Frontages (R1 and R2)

The proposal to subdivide the former BHS into units 9 and 10 will maintain the primary shopping frontage on Commercial Street. This is welcomed.

A mixture of uses, including A3, are encouraged within the city centre which is consistent with national and local policies (R1) to help create vibrant city centres. Policy R1 is supportive of proposals that enhance and are compatible with the overall functioning of the city centre. In specific areas of the city centre, however, the LDP aims to ensure that retail uses are retained as the principal use. Within designated secondary frontage areas, it is accepted that a greater mix of uses is appropriate, but with retail remaining the principal use.

The rear of the building along Upper Dock Street is secondary retail frontage. The proposal would see the conversion of retail units 1, 2 and 3 into a restaurant. In addition, units 6, 7, 8 would be converted from retail into an A3 coffee shop. The secondary retail frontage along Upper Dock Street is measured at 88m in length. With the proposed change of uses, there would only be two retail units (4 and 5) along this frontage, combining to measure 17m in length. Therefore only 19% of the frontage would be maintained for retail use.

Policy R3 of the LDP sets out the criteria that non A1 uses are required to meet: the proposal fails to meet all the criteria of Policy R3 of the Adopted LDP. However, Planning Policy Wales states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. There are a number of material considerations that are considered to be relevant to the determination of this application:

Since the adoption of the LDP, the city centre has undergone significant change with the opening of Friars Walk during November 2015. It is acknowledged that the opening of the Friars Walk scheme has had an influence on the increased availability of A1 units and subsequent shift in retail activity and shop front hierarchy within the city centre.

Out of the nine units currently located on the Upper Dock Street secondary frontage, every single one is currently vacant and the majority have been vacant for several years.

The scheme is a major regeneration project for the city centre that is likely to significantly boost footfall and economic prosperity for Newport. Paragraph 9.3 of PPW notes 'flexibility to expand or contract primary and secondary areas and to allow changes of use to attract investment and diversify the range of businesses is essential within vulnerable or declining centres'. Paragraph 9.4 of PPW notes that 'restaurants together with some cafes/coffee shops can provide diversity and vibrancy in centres, increasing the period of time a shopper spends in a centre as well as providing places for social and business interaction.

### **SP9 Conservation Area**

The scheme is located within the Town Centre Conservation Area. Therefore any proposed works to the external elements of the building will need to ensure that they do not negatively impact on the Conservation Area. There are also a number of Listed Buildings in the vicinity. Comments will be provided by the Council's Conservation Officer.

### **EM3 – Alternative Uses of Employment Land**

Development proposals promoting alternative uses on existing employment sites will be resisted unless:

- i. The site has been marketed unsuccessfully for employment purposes for a minimum of 12 months;
- ii. There remains a sufficient range and choice of employment land and premises to meet LDP requirements and local demand;
- iii. The development has no adverse impact on existing or allocated employment sites;
- iv. The development has no adverse impact on amenity or the environment.

It is understood that floor space within the Chartist Tower has been unsuccessfully marketed for several years. In terms of criterion ii), the LDP has allocated 172ha of employment land across the Plan period. Since the start of the Plan period, 4.46ha of EM1 employment land allocations has been developed, with 2.5ha currently either under construction or has full planning permission in place. Therefore over 165ha of EM1 employment land is still available for development (LDP Annual Monitoring Report 2017). The Council's Employment Land Review (ELR) was a supporting document in the preparation of the LDP, and this document refers to a surplus of older office stock in Newport. It recommends that consideration should be given to the rationalisation of secondary office space accommodation within the city and potential conversion to alternative uses should be considered. With regard to criterion iii), there will be no adverse impact on existing or allocated employment sites and there is unlikely to be any adverse impact with regard to criterion iv). It is therefore considered that the proposal will satisfy Policy EM3. The fact that some B1 office space will be upgraded and retained is also supported.

### **CF8 Tourism**

Policy CF8 of the LDP notes that 'new and improved tourism related development, including hotels and other visitor accommodation, conference and exhibition facilities.....will be permitted, particularly where regeneration objectives will be complemented'. This proposal definitely conforms to this policy.

This scheme represents a major opportunity to regenerate a dated office block within Newport city centre. The hotel and ancillary facilities are in conformity with Policy SP19 (Urban Regeneration) and Policy R1 (City Centre Schemes). The implementation of the scheme is likely to boost economic prosperity in the city centre and will increase footfall, consequently having wider benefits for all business within the city centre. The reuse of old office stock which is no longer fit for purpose into a modern hotel is entirely in line with Policy EM3 of the LDP and the Council's Employment Land Review. The

retention of A1 retail in the primary frontage area of Commercial Street is welcomed, but it is acknowledged the proposal will not satisfy all criteria associated with Policy R3, non-retail uses in the secondary frontage area of Upper Dock Street. On balance, when considering the current high vacancy rates in the city centre, and in particular the Upper Dock Street frontage at Chartist Tower, the economic benefits that the scheme will bring are considered to significantly outweigh the criteria of Policy R3.

In conclusion, it is expected that this scheme will be a key positive addition to Newport city centre and will be a significant boost to economic prosperity for operators within the city and surrounding areas. Planning Policy fully supports this planning application.

- 5.5 HEAD OF STREETSCENE AND CITY SERVICES (DRAINAGE): No response.
- 5.6 HEAD OF LAW AND REGULATION (ENV. HEALTH): SCIENTIFIC OFFICER: following comments with regards to Air Quality Advisory – to encourage the use of low / zero emission vehicles it is advisable that a number of the parking spaces are installed with electric vehicle charging points, or at least the cabling to allow for charging points to be installed at a later date.  
Contaminated Land - The proposed redevelopment does not include any substantial ground works or landscaped areas that are likely to expose the underlying soils. Therefore it is unlikely that contaminated land would pose a risk to future site users.
- 5.7 HEAD OF LAW AND REGULATION (ENV. HEALTH) (NOISE):No objection subject to the conditions in relation to approval of a Construction Environmental Management Plan ; Opening hours of the A3 use; Waste Storage and Recycling; Delivery Times and future Fume Extraction
- 5.8 HISTORIC BUILDINGS AND CONSERVATION OFFICER: Considers that the majority of the scheme to have benefit, in particular it will make an overall positive impact to the conservation area to have busy uses on the ground floors. Specifically comments have been raised with regard to the East and West Elevations which are considered to create an overall dark and vacant finish to the building. A positive design feature of the original building is the mass of glazing in a geometric and symmetrical fashion. It is not clear why the geometric pattern to the clear glazed panels cannot be matched on each floor in order to enhance the geometric style found elsewhere. An increase in the level of clear glazing would not only brighten the elevations and make a positive impact on the overall design but would have wider benefits such as adding more natural light to the room improving amenity as well as providing views across the city, particularly in the upper floors. States that the first floor square windows above the hotel entrance and then to the right hand side, go against the general design of individually space windows. Looking at the internal space it seems possible to adjust this design to create this consistent design. The gold panelling will have a great impact when looking directly from the high street but I do think the restrained panel is positive. I would remain of the opinion that a sample of the gold cladding should be conditioned.
- 6. REPRESENTATIONS**
- 6.1 NEIGHBOURS:  
All properties with a common boundary with the application site were consulted (55 properties), a site notice displayed and a press notice published in South Wales Argus. No response received.
- 7. ASSESSMENT**
- 7.1 The existing premises is subdivided on the lower ground, ground and first floor and includes a number of largely redundant retail units. The second and third floors comprise part of the former BHS unit. Floors four to fifteen comprise redundant office floor space. It is proposed to reconfigure areas of the lower floors to incorporate the proposed uses which are as follows.
- 7.2 It is proposed that a proportion of the building will be refurbished and used as office space. The office space amounts to 2,884 sqm and would occupy the ground, first and second

floors of the building. The office space would be accessed from the main foyer and reception area proposed off Upper Dock Street. Retail floor space is to be retained at units 4 and 5 fronting Upper Dock Street. The retail units currently on the corner of Corn Street (units 1, 2 and 3) are proposed to be converted from retail to A3 use. On the Commercial Street frontage it is proposed that the former BHS store would be subdivided into two retail units. The depth of unit would be reduced and it is proposed that the rear section of the units would be used as a conference/ meeting space of some 377 sqm. The upper floor of the unit would be occupied as office space as part of the proposal.

- 7.3 The remainder of the building would be converted to provide a 164-bed hotel, the entrance and reception to the hotel is proposed off Upper Dock Street. It is proposed that the hotel would provide a gym/sauna on part of the third floor of the hotel and fronting onto the Commercial Street elevation of the building. Bedrooms are proposed on all floors with the exception of the 15<sup>th</sup> floor which would be used as a breakfast room. The former retail units 6, 7 and 8 on Upper Dock Street would be converted into a coffee shop in association with the hotel but open to members of the public.
- 7.4 External changes are proposed to the tower and the lower section of the building. The existing tower comprises an expanse of concrete panels with a vertical strip of glazing in the north and south elevation. The west and east elevation is largely glazed. It is proposed to clad the north and south elevations with a profiled aluminium cladding which would be coloured metallic gold. It is proposed to cover the windows with a gold coloured mesh. The proposed cladding would protrude width ways beyond the edge of the existing side elevation by some 1.6m extending the overall depth of these elevations from 15.4m to 18.4m beyond the width of the north and south elevation. As stated the existing west and east elevation are currently extensively glazed with the outer edges finished in concrete panel. It is proposed to add a flat aluminium cladding system over the unglazed section of these elevations. It is proposed to reduce the amount of glazing and cover a large section of the existing glazed area with a back painted glass panels which would be coloured dark grey. It is proposed to install a glass structure on the face of the building on the 15<sup>th</sup> floor ie within the proposed breakfast room, which would protrude 2m and measure 14m in width. The west and east face of the breakfast room would be fully glazed. On the sixteenth floor it is proposed to erect vertical screening louvres around the external roof area.
- 7.5 The lower floors are currently faced with stone panels which are to be retained. Within the east and west elevation of the first floor it is proposed to punch through areas of glazing and oriel sections of glazing is proposed within a void on the western elevation. Windows are proposed within the western elevation of the ground floor ie the proposed conference area. The area of cladding around the hotel reception would be clad in a profiled aluminium gold cladding matching that proposed on the north and south elevation. The ground floor of the former BHS store, ie the Commercial Street elevation, is to be reconfigured into two retail units and the external changes would entail the installation of recessed entrance doors into retail unit 10. No external changes are proposed on the lower ground floor of the Upper Dock Street elevation. On the Corn Street elevation it is proposed to install an escape door adjacent to the service route.

### ***Proposed uses***

#### ***Reduction/loss of Office Accommodation***

- 7.6 In terms of policy EM3 alternative uses of employment land, it states that Development proposals promoting alternative uses on existing employment sites will be resisted unless;
- 1) The site has been marketed unsuccessfully for employment purposes for a minimum of 12 months;
  - 11) There remains a sufficient range and choice of employment land and premises to meet LDP requirements and local demand;
  - iii) The development has no adverse impact on existing or allocated employment sites;
  - iv) The development has no adverse impact on amenity or the environment.
- 7.7 The applicant has confirmed that the office space has been marketed since 2014, although vacant for a number of years prior to this. In terms of criterion ii), the LDP has allocated 172ha of employment land across the Plan period. Since the start of the Plan period, 4.46ha of EM1 employment land allocations has been developed, with 2.5ha currently either under construction or has full planning permission in place. Therefore over 165ha of EM1 employment land is still available for development (LDP Annual Monitoring Report



2017). The Council's Employment Land Review (ELR) was a supporting document in the preparation of the LDP, and this document refers to a surplus of older office stock in Newport. It recommends that consideration should be given to the rationalisation of secondary office space accommodation within the city and potential conversion to alternative uses should be considered. With regard to criterion iii, there will be no adverse impact on existing or allocated employment sites and there is unlikely to be any adverse impact with regard to criterion iv. It is therefore considered that the proposal will satisfy Policy EM3. The fact that some B1 office space will be upgraded and retained is welcomed.

- 7.8 Policy CF8 of the LDP notes that 'new and improved tourism related development, including hotels and other visitor accommodation, conference and exhibition facilities.....will be permitted, particularly where regeneration objectives will be complemented'. The proposed hotel use is welcomed. This scheme represents a major opportunity to regenerate a dated office block within Newport city centre. The hotel and ancillary facilities are in conformity with Policy SP19 (Urban Regeneration). The applicant has also pointed out that as the proposed hotel use conforms with the requirements of the Local Development Order for the area, which remains in force until 21st August 2018 and accepts the change of use of office floor space on upper floors to hotel accommodation.

### **Retail uses**

- 7.9 This section of Commercial Street is designated primary Shopping frontage ,policy R2 is relevant. The proposal to subdivide the former BHS into retail units 9 and 10 will maintain the primary shopping frontage on Commercial Street. This is welcomed. Generally , a mixture of uses, including A3 uses , are encouraged within the city centre which is consistent with national and local policies (R1) to help create vibrant city centres. Policy R1 is supportive of proposals that enhance and are compatible with the overall functioning of the city centre. In specific areas of the city centre, however, the LDP aims to ensure that retail uses are retained as the principal use.
- 7.10 Within designated secondary frontage areas, it is accepted that a greater mix of uses is appropriate, but with retail remaining the principal use. The rear of the building along Upper Dock Street is secondary retail frontage. Policy R3 of the LDP sets out the criteria that non A1 uses are required to meet: It states that; the proposal, either on its own or in conjunction with adjoining units, would not result in a break in the retail frontage of more than 20 metres; the proposal would not result in a gap in the retail frontage of more than 2 units; at least 60% of any frontage length is maintained in retail use; the proposal does not involve a prominent or corner unit; the proposed development would not adversely affect local residential amenity, either in its own right or cumulatively with other uses; any anticipated environmental disturbance can be effectively controlled through the use of planning conditions or noise abatement zone controls; the development is accessible in terms of public transport provision, and associated pedestrian movement following operating hours will not be directed through residential areas. The proposal would see the conversion of retail units 1, 2 and 3 into a restaurant. In addition, units 6, 7, 8 would be converted from retail into an A3 coffee shop. The secondary retail frontage along Upper Dock Street is measured at 88m in length. With the proposed change of uses, there would only be two retail units (4 and 5) along this frontage, combining to measure 17m in length. Therefore only 19% of the frontage would be maintained for retail use.
- 7.11 The proposal fails to meet all the criteria of Policy R3 of the Adopted LDP. However, Planning Policy Wales states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. There are a number of material considerations that are considered to be relevant to the determination of this application: Since the adoption of the LDP, the city centre has undergone significant change with the opening of Friars Walk during November 2015. It is acknowledged that the opening of the Friars Walk scheme has had an influence on the increased availability of A1 units and subsequent shift in retail activity and shop front hierarchy within the city centre.

Out of the nine units currently located on the Upper Dock Street secondary frontage, every single one is currently vacant and the majority have been vacant for several years.

The scheme is a major regeneration project for the city centre that is likely to significantly boost footfall and economic prosperity for Newport. Paragraph 9.3 of PPW notes 'flexibility to expand or contract primary and secondary areas and to allow changes of use to attract investment and diversify the range of businesses is essential within vulnerable or declining centres'. Paragraph 9.4 of PPW notes that 'restaurants together with some cafes/coffee shops can provide diversity and vibrancy in centres, increasing the period of time a shopper spends in a centre as well as providing places for social and business interaction. On balance it is considered that the likely economic benefits that the scheme are considered to significantly outweigh policy R3.

### **Visual Impact**

- 7.12 The scheme is located within the Town Centre Conservation Area. Therefore any proposed works to the external elements of the building will need to ensure that they do not negatively impact on the Conservation Area. There are also a number of Listed Buildings in the vicinity. Policy SP9 refers to the conservation of the natural and built environment. Policy CE7 States that development within or adjacent to conservation areas will be required to: be designed to preserve or enhance the character or appearance of the conservation area, having regard to the conservation area appraisal where appropriate; avoid the removal of existing historic features, including traditional shopfronts and joinery; use materials which are traditional, or appropriate to their context. complement or reflect the architectural qualities of nearby buildings which make a positive contribution to the character of the area ;pay special attention to the settings of buildings, and avoid the loss of any existing domestic gardens and open spaces which contribute to the character of the area; avoid adverse impact on any significant views, within, towards and outwards from the conservation area.
- 7.13 The proposal entails an extensive refurbishment of the exterior of the 1960's tower which is considered to be outdated. It is welcomed and it is considered that the proposed cladding will enhance its overall appearance. The conservation officer has stated that the majority of the scheme to have benefit, in particular it will make an overall positive impact to the conservation area to have busy uses on the ground floors. The Conservation Officer considers that an increase in the amount of glazing on the east and west elevations would only brighten the elevations and make a positive impact on the overall design but would "have wider benefits such as adding more natural light to the room improving amenity as well as providing views across the city, particularly in the upper floors" . In response the applicant has stated that the approach has been to adopt a restrained palette of materials and colours. The dark coloured panels and simple window pattern of the west & east façade contrast strongly with highly reflective folded metallic gold rain-screen cladding of the north & south facades to give the tower a distinctive form and appearance when viewed from different areas of the city. Queries were also raised about the glazed square panels above the hotel entrance. The applicant has stated that the first floor windows are into a large deep plan office space, therefore kept them as large as possible to maximise the day light into the floor plate.
- 7.14 The comments of the Conservation officer with regard to glazing and window alignment are noted, due the overall positive benefits to the area in terms of the appearance of the tower it would be unreasonable to insist on the suggested changes. In conclusion, it is considered that the refurbishment of the outdated Tower would result in a visual improvement to the overall appearance of the area. In terms of policy CE7, it would not result in the removal of historic features as it is a modern building. The hotel use of the vacant office space and the re-use of vacant ground floor space will help improve the vibrancy and vitality of the area to an extent that it is considered that the character of the area would be enhanced and would comply with policy CE7. Barclays Bank is a listed building and located directly adjacent to the scheme. A photo montage has been submitted which show how the refurbished tower would appear. It is considered that the proposal will not impact upon the setting of the listed building.

### **Proposed materials**

- 7.15 The proposed cladding will comprise solid (2-3mm thick) aluminium panels, cut to size and formed with rolled edges to provide mechanical strength as well as suspension lugs to facilitate on-site fixing, that will be powder coated. The applicant has stated that this solid material is non-combustible and, where intumescent fire breaks are installed to regulated

specifications, solid aluminium cladding assists effective compartmentation as part of the fire safety strategy. In terms of the proposed insulation, this will be sourced from Rockwool, which is non-flammable, meets the relevant British Standard and is the insulation of choice for high-rise buildings. The Fire officer has been consulted on the proposal but has not made any comments.

### ***Economic benefits***

7.16 From an economic regeneration standpoint, the development should be welcomed. The Team Manager for Regeneration has stated that the proposed use clearly reflects the growing status of Newport as a destination and accords well with the authority's aspiration that the city receive the maximum benefit from economic developments of regional significance underway in Newport. The proposal would provide 350 jobs, which is welcomed. The most important success factor is quality. The development would improve the overall perception of the City Centre. He states that the proposed images along with the status of the reported brand the hotel will operate under suggest that a development of quality will be delivered and underline the potential of the Chartist Tower redevelopment has to become a key economic anchor for Commercial Street. The development will activate the building that can be considered the most visible symbol of Newport's decline over the previous decade, making a clear statement of Newport's recovery and ambition that also delivers genuine economic benefit to the city. In terms of policy SP19 – Urban Regeneration, which seeks to promote schemes that contribute to the vitality, viability and quality of the environment of the city centre. In this respect the proposal has the potential to make enhancements to the overall environment and draw customers into this part of town, particularly given the wider proposals for the whole building.

### ***Highways***

7.17 The property is located within the City Centre and therefore, in accordance with the Newport City Council Parking Standards, non-operational parking is not required due to the close proximity of a range of public transport links, facilities and services. The highways officer has queried the servicing arrangements for the proposal. The applicant has stated that in terms of servicing arrangements, this is a mixed use development seeking to reconfigure and, in some cases, change the use of existing portions of the building to ensure the building can be brought back to life and is tenable. A number of the proposed units are being provided on a speculative basis pending lease agreements being signed. Whilst there are on-going discussions with potential tenants for the office and retail spaces, at this time they are unable to confirm who the occupiers will be. The existing underground service area was used by the former BHS and other properties in Commercial Street/Upper Dock Street for delivery purposes. The applicant is proposing to allocate this service area purely for hotel parking and servicing. The applicant wishes to avoid potential conflict between commercial deliveries and hotel guests. The hotel will be serviced by box vans only, which are able to access the basement parking/servicing area.

7.18 The applicant has re-sited the escape door that previously opened onto Corn Street so that it would now open inwards and not over the highway.

7.19 In terms of servicing arrangements that exist within the Town Centre generally, the applicant has stated that servicing does take place on Commercial Street. The Head of Street Scene and City Services (Highways Officer) has stated that the existing building benefits from an off street service area serving several retail units and offices. It is proposed for this service yard be used solely for guests of the proposed hotel. The building is located at the heart of the city centre within short walking distance of the bus and rail stations, and considers that it is unusual for hotels in such locations to provide guest parking in the interest of sustainable development. The applicant initially indicated a desire to undertake goods deliveries and pick ups such as refuse collection for the retained retail units on Commercial Street and Upper Dock Street. In response the Highways Officer states that Upper Dock Street cannot be used as vehicular rights were removed several years ago but loading bays are located on Corn Street which may be used. In terms of Commercial Street, he states that it forms part of the pedestrianised zone within the City Centre and additional delivery vehicles having to navigate Commercial Street to load and unload is unacceptable. This would be considered detrimental to pedestrians and

subsequently highway safety. The positioning of existing street furniture will also mean that a delivery vehicle would obstruct Commercial Street whilst loading/unloading. However the provision of a loading bay on Corn Street has been considered and in principle appears acceptable subject to the provision of a Delivery Management Plan including direct supervision of deliveries between the loading bay and shop to ensure pedestrian safety. In order to provide a loading bay in this location alterations will need to be carried out involving relocating existing street furniture, change in surfacing materials and potentially strengthening/reconstruction of the existing pavement so that it is suitable to accommodate the weight and movements associated with larger vehicles. Engineering and construction details associated with the provision of the loading bay must be secured via condition and any highway works would require the applicant to contact Streetscene to facilitate a S.111/278 Legal Agreement.

- 7.20 The Highways Officer states that for the purposes of the planning application a proposed layby layout must be submitted for consideration and should the application be approved, the layout must be conditioned. The suitability of the loading bay and impact on any existing street furniture must be assessed with a swept path analysis. A condition for the lay bay should state that full engineering/construction details must be submitted for approval prior to any works being undertaken on the application site and that the bay must be constructed as approved prior to the retail units on Commercial Street being occupied. In addition to the above, the submission of a delivery management plan (DMP) must also be conditioned which states that deliveries to the units on Commercial Street must be made via the loading bay on Corn Street. The size of vehicle that will service the retail units must also be restricted in line with the swept path analysis. The DMP must also confirm that a banksman will be available for all deliveries.
- 7.21 The applicant has been requested to provide a plan of the proposed layby which will be presented at Planning Committee. The applicant has agreed to the servicing proposals (a layby and a Delivery Management Plan) suggested by the Council to mitigate the loss of availability for the retail units of the existing basement servicing area. On this basis, and subject to the plan of the layby being acceptable, the highway safety implications of the scheme are considered to be acceptable, subject to the conditions stated below.

### **Noise**

- 7.22 The Head of Law and Regulation (Environmental Health) in terms of air quality would encourage the use of electric vehicles and charging points for such vehicles. In terms of noise no objections are raised and condition requiring approval of a Construction Environmental Management Plan ; Opening hours of the A3 use; Waste Storage and Recycling; Delivery Times and future Fume Extraction.

### **Other issues**

- 7.23 Natural Resources Wales have stated that as the site lies within flood zone B as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). There is no comment to make on the proposal. They recommended that the Councils Ecology Officer be consulted who has confirmed that there is no objection to the proposal. In terms of Welsh Water the applicant attention is drawn to the presence of sewers in the area.

## **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 This scheme represents a major opportunity to regenerate a dated office block within Newport city centre. The hotel and ancillary facilities are in conformity with Policy SP19 (Urban Regeneration) and Policy R1 (City Centre Schemes). The implementation of the scheme is likely to boost economic prosperity in the city centre and will increase footfall, consequently having wider benefits for all business within the city centre. The reuse of old office stock which is no longer fit for purpose into a modern hotel is entirely in line with Policy EM3 of the LDP and the Council's Employment Land Review. The retention of A1 retail in the primary frontage area of Commercial Street is welcomed, but it is acknowledged the proposal will not satisfy all criteria associated with Policy R3, non-retail uses in the secondary frontage area of Upper Dock Street. On balance, when considering the current high vacancy rates in the city centre, and in particular the Upper Dock Street frontage at Chartist Tower, the economic benefits that the scheme will bring are considered to significantly outweigh the criteria of Policy R3. It is expected that this scheme will be a key positive addition to Newport city centre and will be a significant boost to economic prosperity for operators within the city and surrounding areas.

**10. RECOMMENDATION**

**GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents PDA A PR 00 GA (05) 200 REV A , 201 202,203,204,205,206,207,208,209 REV A, 210 REV A ,211 REV A ,212 REV A ,213 REV A ,214 REV A ,215 REV A ,216, PDA A PR XX GA (05) 220 rev A,221,222,223

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

### ***Pre- commencement conditions***

02 No development, including demolition, shall be undertaken until the submission and written approval by the Local Planning Authority of a scheme for the provision of a loading bay on Corn Street. The scheme shall provide a detailed layout with relevant turning circles, and include full engineering details including surfacing materials, any strengthening works, details of services and street furniture to be relocated. The layby shall be provided prior to the first beneficial occupation of the hotel hereby approved.

Reason: To ensure adequate servicing arrangements in the interest of highway safety.

03 No development, including demolition, shall be undertaken until the submission and written approval by the Local Planning Authority of a Delivery Management Plan. This shall provide details of delivery and pick up procedures, so that all deliveries and pick ups related to the A1 and A3 units associated with the scheme hereby approved shall be undertaken solely from within the designated loading bays on Corn Street. All deliveries and pick ups shall take place outside of 11.00 - 17:00 hours and a banksman shall be made available to oversee all deliveries and pick ups associated with the scheme hereby approved. All uses within the development hereby approved shall be operated at all times in full compliance with the measures stated in the agreed Delivery Management Plan.

Reason: In the interest of pedestrian and highway safety.

04 Prior to any external alterations including installation of cladding, details/samples of materials and finishes to be used on the external surfaces shall 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.

05 Prior to the commencement of development, including demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust\* and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

\* The applicant should have regard to BRE guide 'Control of Dust from Construction and Demolition, February 2003

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

### ***Pre –occupation conditions***

06 Prior to first beneficial use of the A3 units hereby approved , details of opening hours shall be submitted to and approved in writing by the Local Planning Authority. The A3 uses shall operate in accordance with the approved hours.

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

07 Prior to first beneficial use of the Class C1 (Hotel) and A3 (Food and Drink) units, a scheme for the provision of waste storage and recycling shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first beneficial use and thereafter maintained for the duration of the use

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

08 Prior to first beneficial use of the Class C1 (Hotel) and A3 (Food and Drink) units hereby approved, details of the delivery hours shall be submitted to and approved in writing by the Local Planning Authority. The use shall operate in accordance with the approved delivery hours.

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

***General conditions***

09 If at any time the use classes C1 and A3 units is to involve the preparation and cooking of hot food, the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed in writing by the Local Planning Authority, and the extraction system shall be provided with de-greasing and de-odorising filters. Details of the above equipment (including scaled schematics, location plans, odour attenuation measures and future maintenance) shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and the equipment shall be installed in accordance with the approved details prior to the commencement of use for the cooking of food.

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

***NOTE TO APPLICANT***

01 This decision relates to plan Nos: Planning Statement, Noise Assessment

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP9, SP18, GP2, GP4, GP6, GP7, CE7, R1,R2,R3, EM3 and T4 were relevant to the determination of this application.

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

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

05 In order to encourage the use of low / zero emission vehicles it is advisable that a number of the parking spaces are installed with electric vehicle charging points, or at least the cabling to allow for charging points to be installed at a later date.

06 any highway works would require the applicant to contact Streetscene to facilitate a S.111/278 Legal Agreement. No works can take place on the adopted highway until the agreement is in place and full authorisation has been granted by the highway authority.

07 The applicant's attention is drawn to the existence of a public sewer under the site. No development shall take place within the safety zone. For further advice contact Dwr Cymru Welsh Water on 0800 917 2652.

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2.

## **APPLICATION DETAILS**

**No:** 18/0048      **Ward:** LANGSTONE

**Type:** FULL

**Expiry Date:** 06-JULY-2018

**Applicant:** MR & MRS GOTOBED

**Site:** ELNATHAN, TREGARN ROAD, LANGSTONE, NEWPORT, NP18 2JS

**Proposal:** ERECTION OF A DETACHED DWELLING (RESUBMISSION OF 17/0379)

**Recommendation:** GRANTED WITH CONDITIONS SUBJECT TO S.106 AGREEMENT

### **1. INTRODUCTION**

- 1.1 This application seeks planning permission to construct a detached four bedroom dwelling within the curtilage of Elnathan, Tregarn Road. The application is a resubmission of 17/0379 for the erection of a detached dwelling which was refused on highway safety grounds, impact on residential amenity and impact on visual amenity.
- 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 this application will need to address and overcome the previous reasons for refusal, namely impact on highways safety and residential and visual amenities.
- 1.3 The application site is also located north-east of an existing Public right of Way and adjoins land, within the identified curtilage of Elnathan, allocated by NRW as accessible natural grassland. Policies SP5 (Countryside), 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**

17/0379	ERECTION OF DETACHED DWELLING	REFUSED
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### **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 WALES AND WEST UTILITIES: No objection.

4.2 WELSH WATER DWR CYMRU: 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

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

Reason: To protect the integrity of the public sewer and avoid damage thereto, 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](http://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.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

## **5. INTERNAL COUNCIL ADVICE**

5.1 HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH): I confirm I have no objections to the proposals; however the following condition should be attached to any permission granted;

### **Construction Environmental Management Plan (CEMP)**

*“Prior to the commencement of development, to include demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.*

*The Construction Environmental Management Plan (CEMP) shall identify the steps and procedures that will be implemented during development resulting from the site preparation, groundwork and construction phases of the development regarding:*

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

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

*The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.*

*Reason: To protect the amenities of nearby residents and in the interests of highway safety.”*

### **Development/Construction Hours - Advisory**

*“The developer should avoid carrying out noisy development; (including land raising and demolition if required) except between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays. Noisy development should be avoided altogether on Sundays or Bank Holidays.*

*Reason: To protect the amenities of nearby residents.”*

### **Air Quality – Advisory**

#### **Electric Vehicles**

Newport City Council has declared numerous air quality management areas and to encourage a change to ultra-low/zero emission methods of transport, Environmental Health advise electric vehicle charging points are installed within the vehicle parking area. Funding may be available for the installation via the government grant scheme - <https://www.gov.uk/government/collections/government-grants-for-low-emission-vehicles>

#### **Heating Systems**

We encourage the highest practicable standards of building insulation and use of renewable forms of heating (such as ground and air source heat pumps) as opposed to natural gas boilers where possible. This action would contribute to the improvement of local air quality and reduce overall GHG emissions in the long term. The Environment (Wales) Act 2016 requires that Wales reduce its carbon emissions by 80% by 2050, reducing heat loss and the use of natural gas would help contribute towards this goal.

5.2 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS):

### **Initial Consultation Response:**

The applicant proposes to utilise the existing access which joins the A48 and slightly encroaches into the junction at Tregarn Road. The proximity of the junction of the A48/Tregarn Road and the A48/Magor Road results in a cross road type situation whereby drivers need to be considerate of multiple vehicle movements when determining when it's appropriate to access and egress each junction. Increased use of the access in such close proximity to the existing junction could increase the likelihood of vehicle conflict and driver confusion or hesitation.

I acknowledge the Transport Statement submitted by the applicant however it's considered that any increase in vehicle movements in such close proximity to a junction would be detrimental to highway safety and I must therefore oppose the application and recommend refusal.

#### **Further Consultation Response:**

Material consideration was given to the transport statement and the information submitted was accepted in terms of the trip data, accidents statistics, parking and visibility splays.

The application is proposing use of an existing access and therefore the consideration is the intensification of use. Tan 18 allows for intensification of use of a substandard existing access where it can be demonstrated that a significant improvement can be provided. Visibility splays, in accordance with standards, have been demonstrated based upon speed survey data and the applicant proposes to widen the access to allow for two way vehicle movements. I would suggest however that no improvement can be made to suitably address the previous objection raised in regard to the proximity of the junction, and the potential impact on highway safety, and therefore the objection to the application is retained.

Should they wish to do so, the applicant could seek to justify the suitability of the access by carrying out an independent safety audit and submit the report for consideration.

#### **Consultation Response (Following submission of Safety Audit Report):**

As stated in the previous consultation response, "the applicant could seek to justify the suitability of the access by carrying out an independent safety audit and submit the report for consideration". It would appear that the safety audit has been carried out by the same company and is therefore not independent. Also a stage 2 safety audit (detailed design) should be carried out.

#### **Final Consultation Response**

The Head of Streetscene and City Services (Highways) commissioned the Stage 1 Road Safety Audit that was undertaken by Cotswold Transport Planning Ltd to be reviewed independently by Capita Real Estate and Infrastructure in order to determine its completeness and its conformance with the guidance and requirements set out in Standard HD 19/15 'Road Safety Audit'

On receipt of the review findings The Head of Streetscene and City Services (Highways) made the following final comments;

Concerns have been raised in regard to the feeder pillar and the potential for visibility to be obstructed. Tregarn Road is subject to a 20mph speed limit and vehicles will be decelerating whilst approaching the junction. The impact on visibility caused by the feeder pillar is limited and clear view of the junction is available from the access to El Nathan. The relocation of the feeder pillar is therefore not required.

When taking into consideration the safety audit and the independent assessment, I would offer no objection to the application subject to a condition which requires the submission of

a CEMP for approval. The CEMP must include details of contractor parking, contractor compound, wheel wash facilities and dust suppression.

- 5.3 HEAD OF REGENERATION INVESTMENT AND HOUSING (PLANNING CONTRIBUTIONS MANAGER): This Draft 'Heads of Terms' relates to planning application 18/0048 for the development of 1 x 5 bed house at Elnathan, Tregarn Road, Newport.

In accordance with the Adopted Newport Local Development Plan – Policy H4 – Affordable Housing, there is a policy requirement for sites of fewer than 10 dwellings within the settlement boundary, or fewer than 3 dwellings within the defined village boundaries, to provide a commuted sum contribution to assist the Council in meeting its on-going requirement for affordable housing. The following planning obligation is required to mitigate the impact of the development and create a sustainable development.

### **Affordable Housing Contribution**

Committed sum payments for affordable housing will be sought on sites of fewer than 10 dwellings within the Housing Target Area of Rural Newport, based upon a 40% target. The methodology for establishing the housing target areas and calculating the associated payments is set out within the adopted [Affordable Housing SPG \(August 2015\)](#). Based upon a net increase of 1 x 5 bed house, and subject to economic viability, a commuted contribution of £3212 would be requested for affordable housing provision.

Affordable Housing Sums will be index linked to the Retail Price Index. Payments will be staggered and directly related to occupancy rates

## **6. REPRESENTATIONS**

- 6.1 NEIGHBOURS: Properties sharing a common boundary with the application site and opposite were consulted (6no. properties) and 1no. letter of support has been received and 5no. objections have been received from 4no. properties, as summarised below;

### The Headlands

- The dwelling is reduced in scale and does not adversely overlook our property;
- There is a demand for more housing in Langstone and the proposed dwelling would keep the family in the area;
- The plot is larger and wider than other properties on Tregarn Road and therefore a dwelling would fit into the area;
- The access onto Chepstow Road is good and one extra dwelling would not cause traffic issues.

### Thorney Croft (Initially Submitted Plans)

- The elevated position of the proposed dwelling will negatively impact upon our privacy and that of our neighbours;
- One window has been removed from the previously submitted side elevation however several windows would have a direct and uninhibited line of sight to Thorney Croft;
- The exposed stairwell would look directly at our property and the rear garden;
- The proposed plans appear to be disproportionate in size and not in keeping with surrounding 1930s properties and appears to be squeezed into a small plot;
- The excessive overall height of 7.5m, together with the length and width of the building would seriously impact on the loss of light.

### Thorney Croft (Amended Plans)

- The 7.5m building height, in conjunction with the excessive width and length of the building casts a significant shadow across Thorneycroft. In addition, the height differential (as now shown) clearly indicates that ground floor windows are pretty

much level with bedrooms and bathrooms of Thorneycroft, Hillside and Swiss cottage;

- A 'swept path' analysis shows a right turn into Elnathan driveway even though there are no right turns allowed into Tregarn road. We also observe that there is no indication of the often used Tregarn-West approach. This method of entry appears to require driving against traffic flowing from Newport to access the driveway.

### Hillside

- The proposed development is still unfairly and unreasonable in scale, height, proportion and positioning as it is a lot larger than neighbouring properties and would therefore not fit in with the scale of the surrounding properties;
- It is not of similar design and is entirely out of keeping;
- The development would reduce the current plot size;
- The proposal will increase the traffic with a shared driveway onto the highway onto a busy area of Chepstow Road;
- The proposal will overlook our property and will invade our privacy;

### 1 Shepherd Drive

- This development would be intrusive from the neighbouring rear gardens to the north-east, while use of the parking and turning area between the existing and proposed dwellings would create noise and other pollution;
- A substantial 4 bedroom house will generate more trips than suggested by the TRICS analysis;
- Even a small increase in traffic movements would lead to a greater risk of accident at this complicated junction which has a number of junctions, accesses and traffic controls;
- Right turns in Tregarn Road are banned but this is unlikely to relate to Elnathan and the probability of traffic movements of this nature generated by this proposal adds considerably to its negative road safety implications;
- While the five year accident record at the junction may be good, there have been serious accidents in the longer term.

6.2 COUNCILLOR ROUTLEY: Has called the application to be determined at planning committee due to the overbearing impact of the property, the impact on visual amenity and highway safety concerns.

6.3 LANGSTONE COMMUNITY COUNCIL: No objection.

## **7. ASSESSMENT**

7.1 Elnathan is a detached dormer bungalow set back from the highway and within a large curtilage. It forms the first property in a row of residential dwellings along the western side of Tregarn Road. The design of the properties along Tregarn Road is varied with no consistent character or design and none have been subject to similar backland development. The property benefits from considerable curtilage that extends north-westerly towards the defined urban boundary and open countryside. The application site lays entirely within the boundary however given the location consideration should be given to its surrounding context.

7.2 This application is a resubmission of the previously refused 17/0379 application and has been amended in an attempt to overcome the previous reasons for refusal in relation to highway safety issues, impact on residential amenities and impact on visual amenities.

7.3 The proposed dwelling is two storey and has a half hip roof design with front hipped roof dormer extension and rear two storey hipped roof extension. The main footprint of the property would measure 15.0 metres wide by 9.7 metres in depth and would have an eaves height of 2.4 metres at the front and 3.5 metres at the rear with a ridge height of 7.553 metres. The front dormer will measure 3.45 metres in width and will have a height of 1.9 metres to eaves and 3.7 metres to the ridge. The two storey rear extension will have a depth of 2.0 metres from the rear wall of the main footprint, a width of 6.0 metres and

height of 4.1 metres to eaves and 6.9 metres to the ridge. Within the front elevation there are 3no. windows proposed at ground floor level and 5no. windows located in the roof plane at first floor level. The front hipped dormer addition will include a vertically emphasised glazed front spanning over the two floors measuring 1.4 metres wide by 4.3 metres in height and will serve the staircase. The rear elevation will contain bi-folding doors across the width of the ground floor level and will contain 4no. windows in the rear elevation and Juliet balcony at first floor within the rear extension. The north east facing side elevation will contain 1no. window at first floor level which will be non-opening and obscure glazed and there will be one secondary access door in the south west facing side elevation at ground level. It is proposed to finish the external walls in render and the roof in natural slate, however definitive details have been submitted for approval. The ground floor layout will comprise of lounge, open plan kitchen/dining room, playroom and utility room and the first floor layout will comprise of 4no. bedrooms (3no. with en-suite) and bathroom. In terms of the site layout it will be accessed by a driveway shared with Elnathan, and will have a parking area for 3no. vehicles with turning facility and rear patio/garden area. The size of the curtilage of Elnathan will be reduced as a consequence of the proposal however a depth of 19m will be retained and this is considered to provide sufficient external amenity space for the occupants of the existing property.

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 Elnathan is large and the proposal would provide the proposed dwelling with a generous curtilage whilst maintaining a reasonable sized curtilage for the existing property, although significantly reduced. The "New Dwellings" SPG (adopted January 2015) states that a detached dwelling should have 1m<sup>2</sup> of private amenity space for every 1m<sup>2</sup> 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.

#### 7.4 **Residential Amenity**

The first reason for refusal of 17/0379 was in relation to the impact that the proposal would have on the amenity of the neighbouring property and stated;

*"Owing to its scale, height, elevated position, orientation and position of its windows the proposal will directly overlook the rear gardens of neighbouring properties to the detriment of their residential amenity and contrary to policies GP2, GP6 and H6 of the Newport Local Development Plan 2011 -2026 (Adopted January 2015) and Supplementary Planning Guidance for New Dwellings (Adopted August 2015)."*

- 7.5 The objections received have also sited overlooking and loss of privacy to neighbouring properties, in particular Swiss Cottage and Thorney Croft as being an issue. The revised scheme has made a number of amendments to attempt to overcome the above reason for refusal. The proposed dwelling was previously located tight to the shared boundary with Thorney Croft and had a clear window located at first floor. This application has amended the location of the property so that it now located 3.5m off this shared boundary and the proposed first floor window is obscure glazed and non-opening. The design of the property is vastly different to the previous application and this includes the first floor windows in the front elevation being contained within the roof plane which are less prominent than the previous roof dormer windows, which helps with the perception of neighbouring properties being overlooked. The gradient of the garden of Elnathan does slope gently from north-west to south-east, however overlooking from the nearest window to the rear of the host property and neighbouring properties despite the elevated position is not considered to be an issue due to the separation distance of approximately 36 metres. The previous reason for refusal cited the overlooking of neighbouring gardens as being harmful however given

the new position within the site, orientation of the property and first floor window design it is considered that any views towards the rear garden of Swiss Cottage and Thorney Croft would be oblique and not direct, which is not considered to be harmful to the amenity of these properties. The two storey glazed window in the front elevation has been reduced in width to that originally submitted and is flanked by two rendered side panels which would direct views away from the neighbouring properties towards Elnathan, with only oblique views available towards Swiss Cottage and Thorney Croft. Furthermore, this opening would not serve a habitable room but a stair case where occupiers would pass through briefly and is more of a design feature rather than an opportunity for outlook. The distance from the proposed property to the shared boundary (proposed 1.8m fence) with Elnathan is approximately 16 metres and the separation distance of facing windows is 36 metres. Again, despite the elevated position of the property these are substantially greater than the minimum distance required as per the SPG and are considered to be acceptable. Objections have also stated that the proposed dwelling would cause an overbearing impact and a loss of light. This was not considered as being an issue in the refused scheme and this proposal has reduced the scale and size of the property and located the property further away from the neighbouring boundary. Owing to the size of the neighbouring curtilages and amended position of the proposal, it would not have an overbearing impact and would not impede light to any neighbouring properties. It is possible that light may be inhibited to a small part of the garden of Thorney Croft in the late evening at certain times of year but this would be further up the garden and would have limited impact and it is not considered that there would be an adverse impact on residential amenity.

- 7.6 The “New Dwellings” SPG states that shared driveways should not expose residents to excessively loud or frequent vehicular noise (e.g. tyres on gravel) in their habitable rooms and back gardens. The submitted plan shows that a 3 metres wide access drive could be created whilst maintaining in excess of 2 metres of curtilage to the side of Elnathan. Details of the reconfiguration of land to achieve this have not been submitted but it was clear on site that this could be achievable. What is not apparent is what room would be closest to this access, however, the offset provided from the new boundary and proposed driveway access is considered reasonable distance from the existing dwelling and it is considered that traffic associated with the new dwelling would not have an adverse impact upon the amenities of the residents of Elnathan in terms of noise disruption. Details of reconfiguration could be required through a condition attached to any permission granted.
- 7.7 Overall it is considered that the resubmitted scheme has made adequate design changes that overcome the original reason for refusal in relation to the impact on the residential amenity of neighbouring properties and complies with the aims of Policy GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

## 7.8 **Design**

- 7.9 The second reason for refusal was in relation to the design and scale of the proposed dwelling given the location and stated;

*“Owing to its height, size, design and location on the urban fringe the proposal would appear as an incongruous and dominant feature uncharacteristic of its urban fringe setting to the detriment of the appearance and character of the wider rural landscape and contrary to Policies SP5, GP2 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) and Supplementary Planning Guidance for New Dwellings (Adopted August 2015).”*

- 7.10 The objections received state that the property would be a large addition in relation to the plot size and would not be in keeping with the properties along Tregarn Road. The previous design was typically suburban in its appearance and the second reason for refusal cites the height, size and design in this location contributing to a dominant feature uncharacteristic of its setting within the urban rural fringe. The amended scheme has made minor reductions

to the width and depth of the property and has reduced the ridge height by approximately 1.0 metre. The 2no. two storey rear gable extensions within the rear elevation have been replaced by a single two storey hipped roof extension which reduces the bulk at the rear. The main changes are to the roof design which now includes a half hipped roof, reducing the mass of the previous gable ended roof and a new lower front eaves level of 2.4m in height. The significantly reduced eaves level and lower ridge height when combined with the half hipped roof design contribute to reducing the overall scale and massing of the property and soften the visual impact and presence that the property has within the site, particularly when viewed from neighbouring properties and the public right of way and from the limited vantage points available through to the rear of the site from Chepstow Road. The design initially submitted within this application included a timber clad external appearance and whilst it is acknowledged that there is no consistent character and appearance to many of the properties along Tregarn Road there is nothing remotely similar and this was considered to be inappropriate. As such a render external finish has been proposed which is more in-keeping and typical of the external finishes of the surrounding properties. A condition would be attached to any permission requesting details/samples of any external materials to be submitted and approved in writing by the LPA prior to commencement. The proposed amendments to the design of the property are considered to overcome the previous reason for refusal and whilst it is acknowledged that the size of property would be generous, it would not look out of place in this context and would no longer be dominant and incongruous in its appearance. As such it is considered that the design meets the aims of Policy GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

7.11 The previous application stated that the addition of a 1.8m fence forward of Elnathan would be incongruous and could inhibit highway visibility. Details of the boundary fence which is proposed to separate the curtilage of the existing property and the proposed property and will continue to the front of Elnathan will need to be submitted for approval in order to assess its acceptability in design and visual amenity terms. A condition can be attached to any approval requesting this.

7.12 **Highways**

7.13 The final reason for refusal of the previous application was in relation to highway safety and the unacceptable intensification of the existing access without any mitigating information and stated;

*“The proposal by reason of its location, scale and design will have an adverse impact on interests of acknowledged importance, namely highway safety by reason of intensification of vehicle manoeuvres on a fast moving and busy highway close to a junction. No information has been provided to mitigate this objection and it is contrary to policies GP2, GP6, H6 of the Newport Local Development Plan 2011 -2026 (Adopted January 2015) Supplementary Planning Guidance for New Dwellings (Adopted August 2015).”*

7.14 The applicant has commissioned Cotswold Transport Planning to address the concerns that were raised in this aspect of the previous refusal. The proposed dwelling would be accessed via a driveway which would pass the western elevation of Elnathan and flank the south-western boundary of the new curtilage of its rear garden. Tan 18 allows for the intensification of use of substandard existing access where it can be demonstrated that a significant improvement can be provided. The Head of Streetscene and City Services (Highways) has acknowledged that the new design of the access is now wide enough to accommodate two way vehicular movements and based on the speed survey undertaken the visibility splays, in accordance with standards, have been demonstrated. However an objection was still maintained due to the proximity of the access to the A48/Tregarn Road and A48/Magor Road which results in a cross road type situation whereby drivers need to be considerate of multiple vehicle movements when deciding it is appropriate to access and egress each junction.

7.15 Forecast vehicle trip generation has been submitted using the TRICS database which shows there will be around 5 vehicle trips per day. An automatic traffic counter was installed on the A48 which identified the 7 day, two way average traffic flows for this road



was 8,085 vehicles and the proposal would lead to a 0.06% increase in traffic movements on this road. One objection has highlighted that the forecasted trips stated have been underestimated, however even if this were to be the case it is considered that any small increase in vehicular movements from this site onto the highway would still be negligible and would not lead to a material increase in traffic on the highway. Analysis of the Crashmap database has also highlighted that there has been no accidents in the immediate vicinity for 10 years. Track test results have demonstrated that vehicles can access and egress the site in a forward gear and there is also sufficient off street parking available for both the existing and proposed properties.

7.16 The Head of Streetscene and City Services (Highways) stated that if an Independent Road Safety Audit was undertaken which had a positive outcome then the objection may be removed. A Stage 1 Road Safety Audit and Designers Response was undertaken by the Cotswold Transport Planning Safety Audit Team, who are separate to the Cotswold Transport Planning Design Team. The validity of the independent nature of the audit has been questioned, however in any case The Head of Streetscene and City Services (Highways) commissioned Capita Real Estate and Infrastructure to review the submitted safety audit in order to determine its completeness and its conformance with the guidance and requirements set out in Standard HD 19/15 'Road Safety Audit'. On receipt of the review The Head of Streetscene and City Services (Highways) is satisfied with the findings and have removed their objection, subject to a Construction Environmental Management Plan condition.

7.17 It is therefore considered that the applicant has gone to significant lengths to overcome the previous reason for refusal and highway safety issues raised within this application and the scheme has been proven to demonstrate that there would not be material impact on highway safety and the proposal is considered to be in accordance with the aims of Policy GP4 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

7.18 **Section 106 Planning Obligation matters**

Summary

7.19 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.

<b>Service Area that requires planning obligation</b>	<b>Purpose of planning obligation</b>	<b>Planning obligation initially sought by Planning Authority</b>	<b>Summary Heads of Terms agreed by applicant(s)</b>	<b>Viability Issues?</b>
Regeneration , Investment and Housing	Affordable housing provision based on 40% target	Commuted contribution of £3,212.	Full Heads of Terms Agreed.	No.

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

**Other Matters**

7.21 The Head of Law and Regulation (Environmental Health) has not objected to the proposal but has recommended that standard conditions are attached to any permission granted minimise the disturbance to neighbouring premises in terms of noise and dust during the development of the building.

7.22 Langstone Community Council has offered no objection to the application.

## **8. OTHER CONSIDERATIONS**

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

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

### **8.2 *Equality Act 2010***

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

### **8.3 Having due regard to advancing equality involves:**

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

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

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

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

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

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

## **9. CONCLUSION**

9.1 The proposed 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 maintain 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 S.106 AGREEMENT**

01 The development shall be implemented in accordance with the following plans and documents; Drawing No. SK01 Rev C – Proposed Plans; Drawing No. SK02 Rev D –

Proposed Elevations; Drawing No. SK10 Rev F – Site Plan; Drawing No. SK11 Rev F – Block Site Plan; Drawing No. SK12 Rev E – Site Section.

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

***Pre- commencement conditions***

02 Prior to the commencement of development of the approved scheme details/samples of materials and finishes to be used on the external surfaces shall be 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.

03 Prior to the commencement of development full details of the reconfiguration of the driveway 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.

Reason: To ensure that the development is completed in a manner compatible with its surroundings and in order to protect the amenities of Elnathan.

04 Prior to the commencement of development full details of the proposed boundary fences 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, the character and appearance of the area and in the interests of highway safety.

05 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.

06 Prior to the commencement of development, to include demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The Construction Environmental Management Plan (CEMP) shall identify the steps and procedures that will be implemented during development resulting from the site preparation, groundwork and construction phases of the development regarding:

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

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

The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of nearby residents and in the interests of highway safety.

07 No development, including demolition, shall commence until details and plans showing the finished slab level of the building(s) hereby approved, together with cross sections

through the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.  
Reason: In the interests of visual amenities

### ***General conditions***

08 The first floor window in the north east facing side elevation of the dwelling hereby approved shall be obscure glazed and fixed shut at the time of installation and shall remain thus in perpetuity. No windows other than those shown on the approved plans shall be inserted into the north east or south west side elevations of the building.

Reason: In the interests of neighbouring privacy and amenity.

09 The proposed driveway and parking area hereby approved shall be constructed of porous/permeable materials or provide a direct run-off for surface water to a porous or permeable area within the curtilage of the dwelling house and shall be retained as such thereafter in perpetuity.

Reason: To ensure adequate drainage of surface water.

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

Reason: To protect the integrity of the public sewer and avoid damage thereto, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

11 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. SK01 Rev C – Proposed Plans; Drawing No. SK02 Rev D – Proposed Elevations; Drawing No. SK10 Rev F – Site Plan; Drawing No. SK11 Rev F – Block Site Plan; Drawing No. SK12 Rev E – Site Section; Planning Statement – Stephen Locke Associates (January 2018); Cotswold Transport Planning Transport Statement (23<sup>rd</sup> October 2017); Cotswold Transport Planning Transport Statement (14<sup>th</sup> February 2018); Cotswold Transport Planning - Designer's Response to Stage 1 Road Safety Audit (April 2018); Cotswold Transport Planning – Stage 1 Road Safety Audit (April 2018); Capita Stage 1 Road Safety Audit Review (June 2018).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP6, GP7, SP13 and H4 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 developer should avoid carrying out noisy development; (including land raising and demolition if required) except between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays. Noisy development should be avoided altogether on Sundays or Bank Holidays.

Reason: To protect the amenities of nearby residents.

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## **APPLICATION DETAILS**

No: 18/0048      Ward: **LANGSTONE**  
Type: FULL  
Expiry Date: 06-JULY-2018  
Applicant: **MR AND MRS GOTOBED**  
Site: **Elnathan, Tregarn Road, Langstone**  
Proposal: **ERECTION OF A DETACHED DWELLING (RESUBMISSION OF 17/0379)**

### **1. LATE REPRESENTATIONS**

- 1.1 Two items of late correspondence have been received from the applicant in this case. One refers to personal circumstances and one relates to revised plans for this scheme that increase the height of roof light cill level to both front facing first floor bedrooms and the introduction of a first floor side elevation window in the west facing elevation.
- 1.2 In relation to the first matter, the applicant has requested that the following personal circumstances be considered as material. These being:
- The applicant's child has an undiagnosed brain disorder that affects his muscles, the management and improvement of which is improved by good area of personal space. In their current house, the applicants cannot provide this level of space internally. The new house will provide this facility for the child's long term health improvement.
  - The applicants intend to occupy the new house and their parents will move into the existing property.
  - As the applicants will occupy the new property, their current car journeys will remain the same and are low. The applicant's parents, who will move in to the existing property, rely on public transport.
- 1.3 In relation to the second matter, the applicant has provided amended plans that show the bottom of proposed front facing rooflights to habitable rooms being increased in height from floor level to 1.6m (5'3"). This compares to 1m from floor level on previous drawings. The east facing side elevation window is proposed to be fixed shut and obscure glazed. An identical window is now proposed in the west facing side elevation at first floor.
- 1.4 Finally, it is noted that the recommendation in the published Agenda does not include delegated authority to the Head of Regeneration, Investment and Housing to refuse permission if the Agreement is not completed within the standard 3 months period. This will be corrected below.

### **2. OFFICER RESPONSE TO LATE REPRESENTATIONS**

- 2.1 On the first matter, whilst personal circumstances can be a material planning consideration, there must be exceptional reasons that make them so. In this particular case, the health related circumstances and associated requirements outlined by the applicant are not supported by evidence and are therefore not considered material.
- 2.2 Similarly, whilst the applicant's intention to occupy the property (and their parent's intention to occupy the existing property) is noted, planning permission runs with the land not with the applicant and there is no guarantee that the applicant's current intentions will actually happen. In any event, others will occupy both properties in the longer term and highway safety matters must be considered in line with standards applicable at the time rather than any stated routines of the applicant.

- 2.3 On the matter of the amended drawings, these are welcomed as further limit views of neighbouring garden space. The higher a rooflight window, the greater the view of the sky as opposed to neighbouring properties or gardens. Officers have already considered residential amenity impacts in the officer report and do not need to alter this. They have cited the 36m separation distance between the proposed property and the existing dwellings and the 3.5m distance between the proposed dwelling and the intervening boundary with Thorneycroft that affords oblique views to existing residences. The alteration to the height of the habitable room rooflights only benefits the scheme in this respect as is further justification for the officer conclusion that the scheme's impact on residential amenity is not significant or harmful. The existing side facing window serving one of the bedrooms will remain fixed shut and obscure glazed. The addition of a side facing first floor window directed towards the neighbouring garden centre is considered acceptable and will not affect residential amenity. It is acceptable in design terms.
- 2.4 Officers have checked whether or not the increase in height of the rooflights will have any impact upon fire regulations particularly as the room is reliant upon a window that officers recommend be fixed shut and obscure glazed to protect residential amenity. The roof windows will become too high to act as a means of escape for the purposes of these regulations and as one of the bedrooms will have a fixed shut side window, it will not be served by any windows that satisfy the regulations. However, there are options available including the provision of a protected means of escape from the affected room to the front door (this would necessitate fire doors for example at first floor) or a doorway to a protected room with a fire escape window that meets the regulations. Both these options are feasible on this site as the building is a new construction and can incorporate other options to mitigate the absence of a fire escape window in the affected bedroom.
- 2.4 In conclusion, this late representation report does not alter the officer recommendation to grant the scheme which is updated to reflect the standard wording required to afford delegated authority to the Head of Service in the event the legal agreement is not completed and will incorporate reference to the amended drawings at condition 01 (see below).

### **3. OFFICER RECOMMENDATION**

- 3.1 GRANTED WITH CONDITIONS AND SUBJECT TO SECTION 106 LEGAL AGREEMENT WITH DELEGATED AUTHORITY TO THE HEAD OF REGENERATION INVESTMENT AND HOUSING TO REFUSE PERMISSION IF THE AGREEMENT IS NOT COMPLETED WITHIN 3 MONTHS.

01 The development shall be implemented in accordance with the following plans and documents; Drawing no. SK01 Rev D, Drawing no. SK02 Rev E, Drawing no. SK10 ref F, Drawing no. SK11 revF and drawing no. SK12 rev H.

3.

### **APPLICATION DETAILS**

**No:** 18/0281      **Ward:** GAER

**Type:** FULL

**Expiry Date:** 07-JUN-2018

**Applicant:** RHYS WILKINS

**Site:** 77, BASSALEG ROAD, NEWPORT, NP20 3NA

**Proposal:** TWO STOREY REAR/SIDE EXTENSION

**Recommendation:** GRANTED WITH CONDITIONS

#### **1. INTRODUCTION**

1.1 This application seeks full planning permission for the construction of a two storey side and rear extension at 77 Bassaleg Road.

#### **2. RELEVANT SITE HISTORY**

None relevant.

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

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

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

3.2 The House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted August 2015) is also relevant to the determination of this application.

#### **4. CONSULTATIONS**

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

#### **5. INTERNAL COUNCIL ADVICE**

5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): The proposal will not increase the parking demand in accordance with the Newport City Council Parking Standards and therefore I would offer no objection to the application.

#### **6. REPRESENTATIONS**

6.1 NEIGHBOURS: All properties sharing a common boundary with the application site were consulted (3 properties). One response was received from 75 Bassaleg Road raising the following objections:

- The proposed work would profoundly affect the daylight entering the property through kitchen/dining room windows;
- The proposed extension would severely affect the daylight entering the property through a rear bedroom (protected window in a habitable room);
- The proposed extension would result in a loss of daylight in the rear garden;
- The proposed rear extension would result in a substantial loss of privacy in my rear garden;
- The proposed extension would severely restrict the benefit enjoyed from physical external space.
- The proposed extension would be overbearing particularly in respect of the side extension aspect of the extension;
- It is believed that the proposed extension risks a terracing effect in an established row of primarily semi-detached houses and would affect the visual amenity of the area. This is particularly a concern given that Bassaleg Road is a very busy main route in and out of the City Centre;
- The proposed side extension would be 900mm off the boundary fence. The height of the proposed extension and its close proximity would result in me feeling hemmed in;
- There is concern about the proposed gap between my garage and the proposed extension in terms of the ability to conduct maintenance on the garage;
- It is not clear how close to the actual boundary the proposed extension would come at the rear of the properties following the removal of the boundary posts and the construction of a new fence;
- There is concern that if the proposed kitchen in the proposed extension is also used for dining purposes and classified as a habitable room; there would be insufficient distance between the proposed kitchen window and the side window of my kitchen/dining room. It is understood that there should be at least 21m between habitable windows;
- 75 Bassaleg Road sits slightly higher than the application property which means that, if the height and placement of the existing kitchen window is retained, it would result in a blank wall outside my kitchen/dining room window. It is understood that there should be a distance between a protected window and a blank two storey elevation of 14m or more;
- There is concern that the proposed development would interfere with and cause disruption to telephone and television services;
- The proposed development would create additional traffic and disruption to the road which is a very busy and struggles with heavy congestion. There is concerns that the proposed work would generate noise, dirt, dust and affect the air quality on an already major road where traffic is at a standstill at certain times of the day;
- As the proposed extension would result in an increase in the number of bedrooms there is concern that there may be difficulty with parking arrangements.

6.2 COUNCILLOR MARK WHITCUTT: If the officers are minded to approve this on delegated authority, I request that it goes before the full planning committee on the following grounds:

1. It would impinge upon the light of the neighbouring property at number 75.
2. Closeness to the boundary ( which I understand the applicant has moved so please if you are assessing the boundary refer to the maps not the photographs as the neighbour suggests that he has moved it towards no 75 by several inches).
3. Scale is out of proportion to the footprint of the site.
4. Precedent – it would open the door to further applications along the frontage which would change the character of the street at this location.
5. The amenity of the area. It would be out of keeping due to its scale and nature with the other neighbouring properties.

## 7. ASSESSMENT

7.1 It is proposed to construct a two storey wrap around extension. It comprises a side extension which would be 1.5m in width and it would be set back from the front elevation of the existing house by 2.2m. It would extend towards the rear where it wraps around the rear elevation of the house. The length of the extension would be 9.95m and its width at the rear would be 5.345m. It would be 5.3m in height to the eaves and 7.3m in height to the ridge. It would be set down 1.05m from the ridge line of the existing house. The proposed extension would provide a toilet/shower room, an extended kitchen, dining room and utility room on the ground floor. On the first floor a third and fourth bedroom with an en-suite would be provided. It is proposed to provide two ground floor windows in the side elevation



of the extension; they would serve the toilet/shower room and kitchen. No first floor windows are proposed in the side elevation. In the rear elevation it is proposed to provide a door to the utility room and bi-folding doors to the dining room on the ground floor; and a window serving the bedroom at first floor. It is also proposed to provide a first floor window in the front elevation of the proposed side extension.

### **Design and impact on street scene**

- 7.2 The House Extensions and Domestic Dwellings SPG recommends that, to avoid a terracing impact, side extensions should be at least 1m from the side boundary. The proposed extension falls short of this by 100mm. The SPG also recommends that side extensions are set back at least 1m from the front elevation of the original house to reduce the visual impact of the extension. The proposed extension exceeds this recommendation and is set back 2.2m from the original front elevation. The SPG also recommends that two storey extensions are set down from the main roof of the existing house. The SPG does not specify a distance however; the extension would be set down from the main roof line by 1.05m. Overall, it is considered that the proposed extension would appear subservient to the original house and despite the minor shortfall of the gap between the extension and the side boundary it is not considered that the proposed extension would be materially harmful to the character and visual amenity of the street scene and surrounding area.

### **Neighbouring amenity**

- 7.3 The proposed extension extends towards the neighbouring property, no. 75 Bassaleg Road and this neighbour has raised a number of concerns regarding the impact on this property. Their concerns relate to a loss of light to kitchen/dining room windows and a rear bedroom window, a loss of daylight to the rear garden, an overbearing impact by virtue of the side extension extending closer to the shared boundary and a loss of privacy to the rear garden and in between kitchen/dining room windows.
- 7.4 In terms of the potential for loss of light the SPG sets out tests to protect light in neighbouring habitable rooms. The tests include applying a 45 degree splay in plan view from the centre point of the protected window and also a 45 degree splay in elevation view. The SPG advises that proposals which fail both tests are unlikely to be acceptable. Protected windows are those which serve a habitable room. A habitable room is defined as any room used or intended to be used for sleeping, living or eating purposes. The SPG also states that the Council will not regard a kitchen that is merely functional as a habitable room, but it may protect a kitchen that contains a dining table, a substantial breakfast bar or any other facility that encourages communal activity.
- 7.5 The neighbouring property has kitchen windows in the side and rear elevation. This kitchen has a fixed and permanent table and the neighbour has described that a great deal of time is spent in this room. On this basis it is considered reasonable to assess the windows serving this room as protected windows. Calculations indicate that the proposed extension would not infringe on either the 45 degree elevation view or the plan view from the rear kitchen window. In terms of the side kitchen window the SPG specifies that the elevation view 45 degree test should be undertaken from the horizontal centre of a protected side window. Calculations indicate that the proposed extension would not infringe on this elevation view. There is also a first floor bedroom window in the rear elevation of the neighbouring property. Calculations indicate that the proposed extension would marginally infringe the 45 degree plan view test but would be significantly clear of the elevation view. On this basis, it is considered that there would not be a harmful impact on the daylight entering this room. Overall, it is considered that the proposed extension would sufficiently protect daylight entering habitable rooms in the neighbouring property and as such preserving the residential amenities of the occupier.
- 7.6 In terms of the loss of light to the neighbouring rear garden. The SPG does not set out a specific test however; it does recommend that a proposal which deprives a neighbouring back garden of a reasonable amount of light is unlikely to be acceptable. Consideration will be given to the gardens aspect and existing exposure to daylight, south facing gardens are more likely to be overshadowed for long periods by a neighbour's extension. In this instance the proposed extension would align with the neighbours existing single storey garage. Whilst the proposed extension would extend above the height of the neighbouring garage it is acknowledged that this garage already results in a degree of overshadowing of

the top portion of the rear garden. It is not considered that the proposed extension would be significantly more harmful than the existing situation. Furthermore, these properties have relatively large rear gardens and it is not considered that the proposed extension would result in any overshadowing of the main portion of the neighbouring rear garden.

- 7.7 In terms of a loss of privacy to the neighbouring rear garden and the side kitchen window it is not considered that there would be a harmful impact. In terms of the neighbouring garden it is not considered that the rear projection of a bedroom window would result in a significant increase of overlooking than currently exists from the existing rear bedroom window. There would be a distance of 15.5m from the first floor window and the neighbouring garden (no.1 Melfort Road) to the rear of the site and as such there are no concerns of overlooking to this neighbouring garden. In terms of the privacy between the side kitchen windows serving both the application property and the neighbouring property it is recognised that both windows would be considered as protected windows due to their communal function. In order to protect privacy it is considered necessary to require the proposed side kitchen window to be obscure glazed; this is secured through a condition.
- 7.8 It is recognised that the proposed extension has the potential to be overbearing on the neighbouring property as the side extension would be brought closer to the side kitchen window. However, the relationship with the application property is such that there is already a relatively narrow gap between the two properties. A gap of 4m exists between the two properties and as such there is already a degree of an overbearing presence on the neighbouring side kitchen window. The proposed extension would extend a further 1.2m towards the neighbouring property and it is not considered that this relatively small increase would significantly worsen this current situation. It is also recognised that the neighbouring kitchen is served by a rear window which is both unaffected by the proposed extension and also south facing. A good degree of light is afforded through this rear window and as such it is considered that the overall amenity of this room is sufficiently preserved.

#### **Other matters**

- 7.9 Concerns have also been raised over the ability to maintain the neighbour's garage, uncertainties over the current position of the boundary fence, disruption to telephone and television signals, the generation of additional traffic during construction and its impact on the air quality of an already congested Bassaleg Road at certain times of the day; and the creation of additional bedrooms causing parking difficulties.
- 7.10 In terms of garage maintenance it should be recognised that where existing structures are built adjacent to the shared boundary the owners' permission of the adjoining land is required to undertake maintenance from their land. This is a civil matter between both parties. Notwithstanding this, there would be a gap of 900mm between the proposed extension and the neighbouring garage, this is considered to be a sufficient gap should maintenance works be required with the agreement of the land owner.
- 7.11 In terms of the uncertainties regarding the correct position of the rear boundary fence this dispute would be a civil matter between both neighbours. Ordnance survey based maps have been used to assess the relationship between the proposed extension and the neighbouring property.
- 7.12 The disruption of telephone and television signals are not a material planning consideration.
- 7.13 It is recognised that Bassaleg Road can be congested during peak hours however, the proposed works would be relatively minor and construction activity is likely to be short term. On this basis it is not considered that the works would significantly affect air quality.
- 7.14 In terms of parking the existing house has three bedrooms which generates the maximum demand for parking provision, i.e. 3 parking spaces. The proposed extension would provide an additional bedroom however, the maximum parking requirement already exists. It is recognised that the proposed extension would extend over a hardstanding to the side of the house. This hardstanding is 2.1m in width which is too narrow to be considered as a useable parking area. It is not considered that the proposed extension would result in any worse impact in terms of parking provision. Notwithstanding this, the applicant has stated

that they intend to create a hardstanding within the front garden to provide more parking within the site.

## **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 Overall the proposed extension is not considered to result in an unacceptable impact on the amenities of neighbouring occupiers. It is considered that the proposed extension would not adversely effect the character and visual amenity of the surrounding area. The proposal is considered to be in accordance with Policies GP2, GP4, GP6 and T4 of the Newport Local Development Plan 2011-2026. 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: 1877/PL-01, 1877/PL-02, 1877/PL-03, 1877/PL-04 and a site location plan.

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

***Pre –occupation conditions***

02 Prior to the first use of the extension hereby approved, the ground kitchen floor window in the eastern facing side elevation shall be fitted with obscure glazing and shall be retained in that state thereafter in perpetuity.

Reason: To protect the privacy of adjoining occupiers.

***General conditions***

03 The external surfaces of the extension hereby permitted shall only be of materials to match those of the existing building.

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

***NOTE TO APPLICANT***

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP6 and T4 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.

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4.

## **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

**Recommendation:** GRANTED WITH CONDITIONS

### **1. INTRODUCTION**

- 1.1 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.
- 1.2 The application has been reported to committee on request of Councillor Ferris so that the impact on neighbouring amenity can be discussed.

### **2. RELEVANT SITE HISTORY**

- 2.1 None.

### **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 affect 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.
- 3.2 House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted August 2015)  
Provides guidance on suitable extensions to dwellings and domestic outbuildings.
- 3.3 Newport City Council Parking Standards (Adopted August 2015)  
Provides guidance on parking requirements.

### **4. CONSULTATIONS**

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

### **5. INTERNAL COUNCIL ADVICE**

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): No objection

### **6. REPRESENTATIONS**

- 6.1 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.

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

## **7. ASSESSMENT**

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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.
- 7.5 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. Further to this, the proposed extension clearly reads as a subservient addition as required by the SPG.
- 7.6 The property at no. 36 has two protected windows serving a dining area which faces directly on to the proposed development. The dining area forms part of a kitchen-diner, with the kitchen being served by rear facing windows and the dining area by the side facing windows. 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.
- 7.7 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.
- 7.8 The proposed development would not result in the loss of parking at the property. Head of Streetscene and City Services (Highways) has no objections to the proposals and it is considered that the development would not result in a detriment 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 Whilst the design and materials proposed are unusual for the immediate area, the forms of the extension respects the style and proportions of the host property and innovation in design is welcomed. It is not considered that there would be an unacceptable impact on the amenity of neighbouring occupiers when assessed against the adopted policies and guidance and is therefore acceptable.

## 10. **RECOMMENDATION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Proposed Plans and Elevations jw999-201 Rev A.

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

***Pre- commencement conditions***

02 Prior to the commencement of development, samples details of the proposed materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved details.

03 Prior to the commencement of development, a planting scheme and maintenance plan for the trellis shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

***Pre –occupation conditions***

04 Prior to the first use of the extension hereby approved, the 'roof extension piece' shown on the approved plans shall be constructed and retained as such in perpetuity.  
Reason: To protect the privacy of neighbouring occupiers.

***General conditions***

05 No additional windows shall be installed in the side elevation of the extension facing no. 36 Fields Park Road.  
Reason: To ensure adequate privacy is retained.

***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 House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted August 2015) was relevant to the determination of this application.

03 Newport City Council Parking Standards (Adopted August 2015) were relevant to the determination if this application.

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.

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5.

## **APPLICATION DETAILS**

**No:** 18/0282      **Ward:** STOW HILL

**Type:** FULL (MAJOR)

**Expiry Date:** 12-JUL-2018

**Applicant:** BRAVE INVESTMENTS LTD

**Site:** 16, CHARLES STREET, NEWPORT, NP20 1JU

**Proposal:** PROPOSED RESIDENTIAL CONVERSION TO FORM 18NO. SELF CONTAINED APARTMENTS WITH NEW CYCLE AND REFUSE FACILITIES

**Recommendation:** GRANTED WITH CONDITIONS

### **1. INTRODUCTION**

- 1.1 This application seeks planning permission for the residential conversion of the property known as 16 Charles Street, Newport and is located just outside the current boundaries of the Town Centre Conservation Area. The building was last used as a community education centre whilst in the ownership of the Council, it has since been sold to the applicant. The site contains a Grade II Listed Building which has been subject of a large, modern addition at the rear.
- 1.2 The original proposal was for 19 separate units. Following site visits with the Conservation Officer and Planning Officer, key features of the Listed Building were identified and concerns raised over the subdivision of the main hall. The total number of flats was therefore reduced to 18 in order to overcome these issues, maintain the main fabric of the building and preserve its historical significance.
- 1.3 The application and proposed developer contributions are therefore now based on 18 flats, comprising 10 x 1 bed apartments 4 x studio apartments and 4 x 2 bed apartments. No vehicle parking is proposed for the scheme however, a cycle store able to accommodate approximately 19 cycles is proposed and sufficient bin storage for the whole development is also proposed within the lower ground floor.
- 1.4 This application is accompanied by Listed Building Consent 18/0284 which is awaiting determination following the committee decision.

### **2. RELEVANT SITE HISTORY**

90/0812	CONVERSION OF FORMER SCHOOL TO ADULT TRAINING CENTRE AND FIRST FLOOR REAR EXTENSION	No Objections/ Deemed Consent
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### **3. POLICY CONTEXT**

#### **3.1 National Policy and Advice**

- Planning Policy Wales
- Technical Advice Note 6: Nature Conservation and Planning
- Technical Advice Note 11: Noise
- Technical Advice Note 12: Design
- Technical Advice Note 24: The Historic Environment

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

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

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

Policy **SP13 Planning Obligations** 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 its location.

**SP18 Urban Regeneration** proposals will be favoured which assist the regeneration of the urban area, particularly where they contribute to: vitality, viability and quality of the city centre, provision of residential opportunities, and re-use of vacant land

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

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

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

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

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

Policy **H2 Housing Standards** states that residential development should be built to high standards of environmental and sustainable design, taking into account the whole life of the dwelling

For residential development of 10 dwellings or more Policy **H3 Housing Mix and Density** seeks to provide a range of housing types at a minimum density of 30 dwellings per hectare to ensure development land is used efficiently which will help to create sustainable communities.

Policy **H4 Affordable Housing** states that on-site provision of affordable housing will be required on all new housing sites of 10 or more dwellings within the settlement boundary, or 3 or more dwellings within the defined village boundaries.

Policy **H8 Self Contained Accommodation** and Houses in Multiple Occupation within the defined settlement boundaries, proposals to subdivide a property into self-contained accommodation, bedsits or a house in multiple occupation will only be permitted as long as it does not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on street parking problems; provides adequate noise insulation and amenity for future occupants.

Policy **T4 Parking** states that development will be required to provide appropriate levels of parking, within defined parking zones, in accordance with adopted parking standards

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

Policy **CE7 Conservation Areas** sets out the criteria that development proposals within or adjacent to the conservation area must comply with in order to preserve or enhance the conservation area.

Policy **CE6 Archaeology** development proposals will normally be required to undertake an archaeological impact assessment before the proposal is determined

Policy **R1 City Centre Schemes** favours schemes and proposals that enhance the City Centres provision of retail in the shopping areas.

Policy **CF12 Protection of Existing Community Facilities** promotes development of new community facilities such as places of worship, cemeteries, health centres, nurseries, museums, public halls, cinemas, concert halls, allotments, leisure use etc. Development that affects existing community facilities should be designed to retain or enhance essential facilities.

### 3.3 **Supplementary Planning Guidance (Adopted)**

- Planning Obligations SPG – August 2015
- Affordable Housing SPG – August 2015
- Flat Conversions SPG – August 2015
- Parking Standards SPG – August 2015
- New Dwelling SPG – August 2015
- Archaeology and Archaeologically Sensitive Areas SPG – August 2015
- Wildlife and Development SPG – August 2015

## 4. **CONSULTATIONS**

### 4.1 DWR CYMRU - WELSH WATER: No objection. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

### 4.2 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: We have consulted the regional Historic Environment Record, curated by this Trust, and note that the application is located within the Archaeologically Sensitive Area of Newport's Town Centre. The property, a former School of Art, is currently known as the Community Education Centre and is a Grade II Listed Building that was built around 1900 AD. A two-storey red brick building of Free Renaissance style with red sandstone dressings and slate roof. The interior contains an entrance hall with a grand staircase with stone balusters. The building was designated as a good late 19th Century educational building.

We note the application's supporting plans and documents and the proposed works on the exterior elevations appear to be minimal and will not significantly impact upon the historic character or fabric of the building. We also note the supporting Photo Survey plans and it is considered that the proposed interior works will also not have a detrimental impact, with the original layout within a significant number of areas of the building to be maintained with minimal alterations. Such areas include the ground floor main hall and first floor lecture hall. Furthermore, it is proposed that the original internal architectural details such as the doors, skirting and architrave will also be maintained, which is a positive reinstatement. The proposed plan for the conversion of the lower ground floor indicates that ground works are of a limited scale and consequently, it is of our opinion that the impact of the proposed development upon the buried archaeological resource will be low.

As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of the Trust.

### 4.3 HEDDLU GWENT POLICE: No response.

### 4.4 WALES AND WEST UTILITIES: No response.

### 4.5 SOUTH WALES FIRE AND RESCUE: No response.

### 4.6 NEWPORT CIVIC SOCIETY: No response.

## 5. **INTERNAL COUNCIL ADVICE**

- 5.1 HEAD OF REGENERATION, INVESTMENT & HOUSING (PLANNING POLICY): The principle of development to convert the listed building into residential units is considered appropriate in principle. It will see the reuse of a vacant listed building into city centre residential units.

#### **GP4 Highways and Accessibility**

The proposal is located within parking zone 1 and will need to satisfy parking standards. Highway colleagues will provide comments on the proposed scheme.

#### **Conservation Area**

The scheme is located adjacent to the Town Centre Conservation Area. Therefore any proposed works to the external elements of the building will need to ensure that they do not negatively impact on the Conservation Area. Comments will be provided by the Council's Conservation Officer.

#### **H4 Affordable Housing and Planning Obligations**

The site falls within the 30% affordable submarket area. The proposal is suggesting that all 19 units will be market dwellings and no reference is made to affordable housing provision. There is also no reference made to planning obligations. The Council's Planning Obligations Manager will set out the Council's requirements for this development.

#### **CF12 – Protection of Existing Community Facilities**

The LDP contains Policy CF12 which protects against the unnecessary loss of community facilities. As the building is currently vacant, it is fully expected that this policy can be met. However, a short description of why the building is no longer used for educational purposes would be useful to demonstrate that Policy CF12 has been properly considered.

#### **Flat Conversions SPG**

The Flat Conversions SPG provides guidance on the expected sizes of flats. In particular, some of the one-bedroom flats proposed appear to be smaller than the SPG guidance. This should be considered further to understand how restricted the internal layout is and whether there could be some flexibility.

#### **CONCLUSION**

The proposal is welcomed in principle as long as it satisfies any concerns raised over amenity, heritage impact and parking. Internal layout and flat sizes should be considered further.

- 5.2 HEAD OF REGENERATION, INVESTMENT AND HOUSING (CONSERVATION OFFICER): This application relates to a grade II listed educational property. Its primary reason for listing is that it is a good late nineteenth century educational building.

The building is currently vacant and is in need of investment to ensure its vacant state doesn't lead to further risk of decay. The proposal is therefore welcomed in principle as a potential solution to the problem of a potentially at risk property.

There have been clear design amendments made through the process of the application e.g. roof light reduction, stairwell set back etc. that have resulted in a scheme which has respected the sensitive nature of the listed property. It is clear that although amendments to the building have been made the original layout of the building can still be read.

Of particular concern was the impact to the highly significant lecture hall on the first floor. The revised proposal of one flat within the space is considered appropriate. The insertion of the mezzanine floor will be an obvious modern insertion which does not impact on the historic fabric detail and considered appropriate.

Overall I welcome the proposal to bring back into sustainable use this vacant listed building.

- 5.3 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): The property is located within zone 1 City Centre and therefore benefits from the close proximity of a number of facilities, services and public transport links. In accordance with the Newport City Council

parking standards, parking is not required and I would therefore offer no objection to the application.

5.4 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY):

**Original comments:** The building has been classed as having 'low potential' for bats and as such, in accordance with best practice guidance a dusk emergence/or dawn re-entry survey will be required. This should be undertaken at an appropriate time of year (between May-August) by a suitably qualified ecologist.

I welcome the submission of the preliminary roost inspection and concur with the findings obtained within the report.

**Comments on Additional Information:** No bats were observed leaving the building and the building was deemed to have low potential for bats. No objections.

5.5 HEAD OF REGENERATION, INVESTMENT & HOUSING (SECTION 106): Based upon a development of 18 apartments (comprising 14 x 1 bed apartments and 4 x 2 bed apartments), the following S106 planning obligations would normally be required to mitigate the impact of the development.

Council policy (specified in the adopted Planning Obligations SPG 2015) stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations. As such, only the 'market' units count towards leisure and education contributions.

## 2. Affordable Housing

There is a requirement for 5 dwellings (30% of the development) to comprise affordable dwellings (mix to be agreed). These properties must meet the required Welsh Government standards (in accord with TAN 2). They should be transferred to a Registered Social Landlord (zoned to develop in Newport) at a price of 50% of ACG. The properties will be allocated through the Common Housing Register in accordance with City council policy.

In exceptional circumstances, the Council may consider a commensurate commuted sum as replacement for an on-site provision. The Strategy and Development Manager states that due to the nature of the building and conversion work, it would not be possible to achieve the required Welsh Government standards and, therefore, suggests that a commuted sum would be the preferred option. Taking account of the 'off-site factor', the commuted sum calculation is based upon 7 apartments, comprising 6 x 1 bed apartments and 1 x 2 bed apartment; this equates to a commuted sum of £63,656.

## 3. Education

School Capacity' is calculated taking account of current school capacities, demand generated by extant permissions and/or Joint Housing Land Availability supply, as well as future pupil number projections over the lifetime of the related planning permission.

**Primary:** The development is served by St Woolos Primary School and Ysgol Gymraeg Bro Teyrnnon Primary School. Taking into account the scale and type of development and 'School Capacity', no contribution is required

**Secondary:** The development is served by John Frost High School. Taking into account the scale and type of development and 'School Capacity', no contribution is required

## 4. Leisure

There is a deficit of 'Equipped' and 'Formal' play in the Stow Hill ward. As such, the proposed development generates a commuted sum of £27,668 to upgrade and maintain off-site play provision at Belle Vue Park and/or Baneswell playground.

## 5. Viability

S106 planning obligations are normally required to either carry out works or contribute financially towards measures that mitigate the impact of the development i.e. to make an unacceptable proposal acceptable in land use planning terms. However, economic viability is an important material planning consideration on the potential scope and scale of planning

obligations, especially when considering wider regeneration benefits and whether these issues outweigh the harm caused by the loss of S106 planning obligations.

An 'open book' viability appraisal was undertaken utilising the Council's Three Dragons Toolkit. It concluded that policy compliant contributions would jeopardise the proposal's economic viability and subsequent delivery.

Taking into account the viability constraints of the development, as well as recognising that the proposal will bring forward a disused listed building in the city centre, it is felt that these issues outweigh the harm caused by the loss of S106 planning obligations. On balance, it is concluded that the planning obligations should be waived.

- 5.6 HEAD OF STREETSCENE AND CITY SERVICES, (Waste Manager): Regarding this one we do have some concerns:
- The bin storage has ample space so that is fine but we haven't been able to determine where this bin store will be distance wise in relation to where the RCV will park on Charles Street for collection; there is a limit to the distance our operatives can carry the big communal bins (10 m in the case of 1100l bins which is what we would supply in this case).
  - Also access could be a little restricted as it looks like bins will need to come through the front door and onto the pavement. As long as slopes are instigated then this shouldn't be a problem
  - Finally, we are concerned about the amount of time it may take to collect from here, as our vehicles will be double parked blocking traffic while collecting and Charles Street is constantly full of parked cars either side, unless this site has a designated pull in.
- 5.7 HEAD OF LAW AND REGULATION (ENV.HEALTH): No objections to the proposals; however the following condition should be attached to any permission granted;
- **Construction Environmental Management Plan (CEMP)**  
Prior to the commencement of development, to include demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.  
The Construction Environmental Management Plan (CEMP) shall identify the steps and procedures that will be implemented during development resulting from the site preparation, groundwork and construction phases of the development regarding:
    - noise mitigation measures - to minimise the creation and impact of noise;
    - waste disposal;
    - details of enclosure of working areas;
    - details of contractor parking areas and construction site accesses;Development works shall be implemented in accordance with the approved CEMP. The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.  
Reason: To protect the amenities of nearby residents and in the interests of highway safety.
  - **Waste Storage and Recycling**  
Prior to first use, a scheme for the provision of waste storage and recycling shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first use and thereafter maintained for the duration of the use.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected
  - **Noise Assessment**  
A full noise assessment is needed prior to permission being granted in order to demonstrate that the site is suitable for residential development and the proposed development will not be adversely affected by noise from commercial/industrial (non-domestic) activities.  
Reason: To ensure that the amenities of future occupiers are protected.

- **Commercial/Industrial Noise Assessment**

A noise assessment on the potential for noise from commercial/industrial activities to affect the proposed residential development must be undertaken and submitted to and approved in writing by the local planning authority prior to permission being granted. The noise assessment must show that noise emitting from commercial/industrial activities in the vicinity, calculated in accordance with BS4142 2014, does not adversely affect the proposed residential development.

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

- **Noise Insulation**

Prior to first occupation, a scheme of sound insulation works to the ceiling, floor and party wall structure between the proposed residential premises and any adjoining commercial property shall be implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of occupiers of the proposed residential premises are protected.

- **Development/Construction Hours - Advisory**

The developer should avoid carrying out noisy development; (including land raising and demolition if required) except between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays. Noisy development should be avoided altogether on Sundays or Bank Holidays.

Reason: To protect the amenities of nearby residents.

- **Air Quality – Advisory**

Newport is known to suffer from particularly poor air quality compared to the rest of Wales. To encourage a change to low/zero emission methods of transport, I advise electric vehicle charging points are installed within the vehicle parking area. Funding may be available for the installation via the government grant scheme -

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

We encourage the highest practicable standards of building insulation and use of renewable forms of heating (such as ground and air source heat pumps) as opposed to natural gas boilers where possible. This action would contribute to the improvement of local air quality and reduce overall GHG emissions in the long term. The Environment (Wales) Act 2016 requires that Wales reduce its carbon emissions by 80% by 2050, reducing heat loss and the use of natural gas would help contribute towards this goal.

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

5.9 TEAM MANAGER REGENERATION: No response.

5.10 Chief Education Officer (Education Info Manager): No response.

5.11 HEAD OF CONTINUING LEARNING AND LEISURE, (Leisure Services Manager): No response

## 6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (110 properties), a site notice displayed, and a press notice published in South Wales Argus.

One letter received: we have no objections to the proposed works at 16 Charles Street, and we look forward to seeing the building returned to use.

## 7. ASSESSMENT

The main issues to consider are:-

- The principle of the development
- The impact on the Listed Building and the character and appearance of the adjacent Conservation Area

- Future Residential Amenity
- Impact on neighbouring amenity
- Highway Matters
- Section 106 Planning Obligation matters
- Other Matters

**7.1 The principle of the development**

The building is located within the urban area of Newport and is currently vacant. Whilst the building lies within the city centre shopping area, the building is not in retail or commercial use. The site is in a highly sustainable location and development would represent an efficient use of previously developed land. Since there is no retail or other specific restrictions on the use of the building, the principle of re-using a vacant listed building for residential use is therefore supported.

**7.2 The impact on the Listed Building and the character and appearance of the adjacent Conservation Area**

In support of the application the applicant has prepared an Historic Buildings Report, Statement of Significance and Heritage Impact Assessment. As a Grade 2 Listed any alterations and changes affecting the historic fabric, or changing its character need careful consideration.

**7.3 External (Main Building):** In respect of the impact on the listed building the proposal would alter few external features of the main building, 8 roof lights would be inserted, (4 to the front 4 to the rear), during the course of the application the number has been reduced, and it is considered the remaining roof lights are necessary to provide adequate daylight to the second floor rooms. Due to the width of Charles Street, the height of the building and the position on the roof, those on the front elevation will not be visible from the street.

**7.4** To the east (side) elevation the external modern escape stair and modern first floor fire door will be removed with the building fabric restored to match the existing, which will be an improvement to the buildings appearance.

**7.5** A small extension to accommodate a staircase to the second floor will infill an existing recess between the main building and above where the rear extension joins the main building, this will continue the roof and building line to match that of the adjacent building resulting in the loss of three windows. Due to the existing rear extension, it is acknowledged that this elevation would not be visible from public vantage points, although its scale and massing would be increased it is not considered externally to have a harmful impact on the listed building, and its setting.

**7.6** Repairs and replacement windows are proposed as appropriate and details will be conditioned within the Listed Building Consent.

**7.7 Internal (Main Building):** An approach to the refurbishment of the building has been taken that seeks to minimise the impact of proposals on the historic fabric as far as possible. The high significance of the 1st floor lecture hall was recognised as paramount and specific purpose design scheme developed to protect all original architectural features. The room is considered to be of highest significance contains a particularly fine, large room at first floor level, which it is suggested within the supporting statement was a lecture hall.

**7.8** The original proposal subdivided this to form two flats, with many features covered up. Strong objection was raised and the amended scheme now includes this space as a single residential unit with a freestanding mezzanine insertion that will not interfere with architectural detailing.

**7.9** At ground and first floor the apartment are designed so that they are generally based around the original rooms within the building, thereby reducing the need to make significant demolition/alterations to the internal fabric of the listed building. The proposal includes some subdivision to create the required accommodation, and while this will have some negative impact it is considered to be acceptable given the works will facilitate a viable and sustainable long term use for the building.



- 7.10 The top floor of the building is currently accessed by a metal spiral staircase of apparently late 20th century construction, which is not fit for purpose. During the pre-application discussion the Conservation Officer raised serious concerns regarding the proposed access staircase that would have a major impact on historic fabric and the harm to the second floor room with a tiled floor and cooking range as well as compromising natural light through an historic window to the main staircase.
- 7.11 The heritage impact assessment was submitted (and updated) and details other options considered, for an access to the second floor. To create a usable stair in any location would have impact and requires removal of historic fabric. The creation of the new stair will require the removal of a section of the recessed rear wall and 2 original windows. Amended plans have been submitted pulling the stair back from the double high window facing into the main stairwell and retaining indentations to indicate the position of the historic wall, allowing the historic layout to still be read. While the loss of this wall and windows is undesirable it is considered on balance to bring forward a disused listed building in the city centre.
- 7.12 **Rear Extension:** The rear wing of the building, is a much later addition to the building, whilst this part of the building enjoys listed status, it does not have any significant architectural or historic features. Additionally external doors and amended window sizes in the rear and west (side) elevations and significant internal alterations to the modern partitions are proposed. Subject to appropriately detailed windows and doors, these works are not considered to have to have a harmful impact on the listed building and setting.
- 7.13 **Future Residential Amenity**  
Any new residential development in a city centre location must have an appropriate standard of residential amenity for its future occupiers. With regards to the amenities of the future occupiers of the flats, The Flat Conversions SPG (August 2015) specifies the gross internal floorspace for flats and the key table is shown below:

Beds/bedrooms	Flat type		
	<i>Studio</i>	<i>Converted</i>	<i>New</i>
1	35	45	50
2	n/a	60	65
3	n/a	70	80
4	n/a	85	100

- 7.14 Two of the apartments, no's 2 and 7 fall marginally below these standards by 7.5 sqm and 5 sqm respectively, both flats are well proportioned, their regular shape that would ensure that they provide sufficient opportunities use of the whole space. It is noted apartments 7 and 8 have access to a small external courtyard
- 7.15 In addition it is noted the flats in the main building (inc no.2) are designed so that they are generally based, on the original rooms within the building, thereby reducing the need to make significant demolition/alterations to the internal fabric of the listed building. The no. 2's room sizes is not considered to be of such an extent as to warrant refusal of the application.
- 7.16 The site has very little external amenity space, however Chapel Park lies immediately to the rear of the building. Given the city centre location of the building, the access to public open space and that the proposal aims to bring a listed building back into use it is considered acceptable to relax the requirements for outdoor amenity in this instance.
- 7.17 The ground floor windows on the western (side) elevation would be within 2.2m of the boundary fencing the proximity of this boundary treatment to the windows, these windows has been assessed and passes the tests set out in the New Dwelling SPG, as such the

fence is not considered to interfere with the diffuse daylight available to the existing building in flats 7 and 8.

7.18 Public Protection has required a noise impact assessment and details of any required noise mitigation to ensure the site is suitable for residential development and the proposed development will not be adversely affected by noise from commercial (non-domestic) activities/uses, while this will need to be balanced against the harm to the fabric of the listed building a condition is recommended which is considered appropriate.

7.19 **Impact on neighbouring amenity**

In respect of the properties directly east across Charles Street, no new opening are proposed on the front elevation and there will be few changes in the appearance of this elevation. Windows in the rear elevation face onto Chapel Park and there is not considered to be overlooking issues.

7.20 With regard to the windows on the western (side) elevation appears to face at a private car park serving offices and the private gardens of neighbouring properties further away. The windows on the eastern elevation face Anisa Mews, which is a block of flats. The apartments within this block are 24m away. This distance is over the recommended distance (21m) set within the SPG, given the city centre location of the building and that there is public open space separating the two buildings this is considered an acceptable relationship.

7.21 The application is therefore not considered to result in any significant detrimental impact on the amenities of neighbouring occupiers.

7.22 No details of the external lights around the building has been submitted, a condition is recommended to maintain the privacy of potential residents and the surrounding uses.

7.23 **Highway Matters**

The proposal is for a town centre change of use from a community education centre to residential with zero parking provision. The Highway Officer has raised no objection to the proposal. The property is located within zone 1 City Centre and therefore benefits from the close proximity of a number facilities, services and public transport links. In accordance with the Newport City Council parking standards, parking is not required.

7.24 **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.

<b>Service Area that requires planning obligation</b>	<b>Purpose of planning obligation</b>	<b>Planning obligation initially sought by Planning Authority</b>	<b>Viability Issues?</b>
<b>Affordable Housing</b>	To provide on site affordable housing	5 dwellings (30% of the development) to comprise affordable dwellings (mix to be agreed). Due to the nature of the building and conversion work, it would not be possible to achieve the required Welsh Government standards and, therefore, suggests that a commuted sum would be the preferred option. Taking account of the 'off-site factor', the commuted sum calculation is based upon 7 apartments, comprising 6 x 1 bed apartments and 1 x 2 bed apartment; this equates to a commuted sum of £63,656.	Yes

<b>Leisure</b>	'Equipped' and 'Formal' play in the Stow Hill ward.	A commuted sum of £27,668 to upgrade and maintain off-site play provision at Belle Vue Park and/or Baneswell playground.	Yes
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7.25 **Viability:** In this case, the developer has provided information in relation to the viability of the planning obligations relevant to the scheme. An 'open book' viability appraisal was undertaken utilising the Council's Three Dragons Toolkit. It concluded that policy compliant contributions would jeopardise the proposal's economic viability and subsequent delivery.

7.26 Taking into account the viability constraints of the development, as well as recognising that the proposal will bring forward a disused listed building in the city centre, it is felt that these issues outweigh the harm caused by the loss of S106 planning obligations. On balance, it is concluded that the planning obligations should be waived.

#### 7.27 **Other Matters**

The site is also within an Archaeological Sensitive, the proposal primarily involve the conversion of the Listed Building and does not involve any significant groundworks, Glamorgan Gwent Archaeological Trust have considered the proposal and conclude the impact of the proposed development upon the buried archaeological resource will be low.

7.28 The building has been classed as having 'low potential' for bats in the preliminary roost inspection, a dusk emergence survey was submitting during the course of the application and the Councils Ecologist is satisfied with the findings within the report.

7.29 The site is not located within a flood risk area and the proposal will not result in a material increase in surface water discharges.

## 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, SP13, SP18, GP3, GP2, GP4, GP6, GP7, CE7, H2, H4 and T4 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 AL (00)07C (received 14 June 2018); AL (00)08E (received 3 April 2018); AL (00)09F (received 14 June 2018); AL (00)15 (received 14 June 2018); AL (00)12B (received 14 June 2018); AL (00)10 (received 3 April 2018); AL (00)11(received 3 April 2018); Design and Access Statement (received 14 June 2018); Heritage Impact Assessment (received 14 June 2018) and Bat Survey - Preliminary Roost Assessment (dated 03/10/2017).

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

#### **Pre- commencement conditions**

02 No development shall commence on site until samples of the materials to be used in the development hereby permitted have been approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity.

03 No development shall commence on site until a scheme confirming any upgrade for the means of treatment of the hard surfaced areas of the site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied before the hard surfaced areas have been constructed in accordance with the approved scheme.

Reason: In the interests of visual amenity.

04 No development shall take place until details of a system of external lighting which shall include a scheme of illumination when the building is occupied has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme of lighting shall be implemented prior to the development being brought into use and maintained in accordance with the approved scheme.

Reason: In the interest of security and safety.

05 The recommendations made in Section 4.2 of the Bat Survey - Preliminary Roost Assessment by Quantock Ecology dated 3/10/2017 shall be implemented in full.

Reason: To ensure the protection of protected species, which are subject to statutory protection under European Legislation.

06 Prior to the commencement of development include demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The Construction Environmental Management Plan (CEMP) shall identify the steps and procedures that will be implemented during development resulting from the site preparation, groundwork and construction phases of the development regarding:

- noise mitigation measures - to minimise the creation and impact of noise;
- waste disposal;
- details of enclosure of working areas;
- details of contractor parking areas and construction site accesses;

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

The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of nearby residents and in the interests of highway safety.

07 Prior to the commencement of related development, a scheme for the provision of waste storage and recycling shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to occupied and maintained thereafter.

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

08 Prior to the commencement of development, full noise assessment on the potential for noise from commercial/industrial activities to affect the proposed residential development shall be submitted to and approved in writing by the local planning authority. The noise assessment must show that noise emitting from commercial/industrial activities in the vicinity, calculated in accordance with BS4142 2014, does not adversely affect the proposed residential development. The approved scheme shall be implemented prior to occupied and maintained thereafter.

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

09 Prior to first occupation, a scheme of sound insulation works to the ceiling, floor and party wall structure between the proposed residential premises and any adjoining commercial property shall be implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of occupiers of the proposed residential premises are protected.

#### *NOTE TO APPLICANT*

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, SP13, SP18, GP3, GP2, GP4, GP6, GP7, CE7, H2, H4 and T4 were relevant to the determination of this application.

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

02 It will be necessary to submit a separate Listed Building Consent. No work shall take place before Listed Building Consent is obtained

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 developer should avoid carrying out noisy development; (including land raising and demolition if required) except between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays. Noisy development should be avoided altogether on Sundays or Bank Holidays.

06 Newport is known to suffer from particularly poor air quality compared to the rest of Wales. We encourage the highest practicable standards of building insulation and use of renewable forms of heating (such as ground and air source heat pumps) as opposed to natural gas boilers where possible. This action would contribute to the improvement of local air quality and reduce overall GHG emissions in the long term. The Environment (Wales) Act 2016 requires that Wales reduce its carbon emissions by 80% by 2050, reducing heat loss and the use of natural gas would help contribute towards this goal.

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6.

## **APPLICATION DETAILS**

**No:** 18/0336      **Ward:** ALLT-YR-YN

**Type:** FULL

**Expiry Date:** 11-JUL-2018

**Applicant:** NIAMH MONK, NEWPORT NORSE

**Site:** CLYTHA PRIMARY SCHOOL, BRYNGWYN ROAD, NEWPORT, NEWPORT, GWENT, NP20 4JT

**Proposal:** ERECTION OF CANOPY

**Recommendation:** GRANTED WITH CONDITIONS

### **1. INTRODUCTION**

- 1.1 This application seeks planning permission for the erection of an external timber canopy at the rear of Clytha Primary School for play and teaching facilities. The proposed canopy would be sited on the north-west elevation of the building facing the rear gardens of 93 and 95 Oakfield Road.
- 1.2 The application is brought before Planning Committee as it relates to a Council owned property.

### **2. RELEVANT SITE HISTORY**

04/0836	ERECTION OF A CONSERVATORY/GLAZED CANOPY AND LANDSCAPING OF PLAYGROUND	Granted with Conditions
05/0107	ERECTION OF GLAZED CANOPY (AMENDED SCHEME)	Granted
07/0832	ERECTION OF LIFT ENCLOSURE AND RAMPS	Granted
09/0287	ERECTION OF POLE MOUNTED FLAG (ECO SCHOOLS GREEN FLAG)	Granted
11/1206	EXTERNAL CANOPY FOR OUTDOOR PLAY	Granted
14/0365	INSTALLATION OF NEW CANOPY FOR NURSERY PLAY	Granted

### **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 No external consultation was undertaken.

### **5. INTERNAL COUNCIL ADVICE**

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (TREE OFFICER): Met on site to discuss the proposed canopy and its relationship to the adjacent trees.

It was recommended that the canopy is moved further away from existing acer sp. so that minimal trimming of this tree would be required. Revised plans will be submitted to show this amendment.

If this is the case, there will be no objections to the application and "conditions" can be added, i.e. the tree trimming to be carried out on the day the canopy is on site- so the extent of the tree trimming is accurate. In addition, a Tree consultant should carry out a watching brief on site to ensure that the stanchions and the canopy installation do not compromise the health of the trees-roots/branches (and to oversee the partial removal of the beech hedge).

**Amended Plans:** Amendments as discussed, no objection subject to conditions.

## **6. REPRESENTATIONS**

6.1 **NEIGHBOURS:** All properties within with a common boundary with the application site were consulted (11 properties). No representations were received.

## **7. ASSESSMENT**

7.1 This application seeks permission for the erection of an external canopy to the rear of Clytha Primary School, to provide outdoor learning and play space for children of nursery age.

7.2 The school has been subject to other canopy extensions, as detailed in the site history above. This canopy is to be sited adjacent to a modern single storey classroom, with rough cast render to external walls. It is proposed to erect the canopy on the north west elevation to the rear of the building.

7.3 The canopy would project a maximum of 3 metres from the building and would be 8 metres wide. It would have a shallow pitch with a height of between 2.1 and 2.3 metres. It would sit adjacent to the rear elevation, and just below the level of its existing roof. The canopy is proposed to be constructed from powder coated galvanised steel with clear polycarbonate roof sheets to match the existing canopy previously approved.

7.4 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. While close to the boundary with 93-95 Oakfield Road, a large retaining wall runs along the rear of the site with the residential properties situated approximately 2.5 meters above the school. Given its single storey scale and the vertical 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.

7.5 While a section of fence and hedge will be removed the trees will be retained with 2no trees to be trimmed back prior to canopy installation. The Councils Tree Officer has visited the site and an amended plan relocating the canopy to the south west, so not to conflict with the existing Acer Tree. Subject to the recommended conditions the Tree Officer would not raise any objections to the proposals impact on existing trees.

## **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, residential amenity and impact on existing trees. 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 Site Plan received 30 April 2018, Phase 1 Canopy Specification received 30 April 2018 and Phase Canopy Specification and Location received 27 June 2018.

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

02 No operations of any description, (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection within the development, until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. (The Arboricultural Method Statement shall contain full details of the following:

- (a) Timing and phasing of arboricultural works( including tree trimming work) in relation to the approved development;
- (b) Protective barrier fencing;
- (c) Tree protection plan
- (d) Working within the Root Protection Areas

The development shall be carried out in full compliance with the Arboricultural Method Statement unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect important landscape features within the site.

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

- (a) Supervision and monitoring of the approved tree felling and pruning works;
- (b) Oversee working within any Root Protection Area;
- (c) Reporting to the Local Planning Authority;
- (d) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Councils Tree Officer.

Reason: To protect important landscape features within the site.

#### *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.

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