

Report

Planning Committee

Part 1

Date: 6 July 2016

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 Head of Regeneration, Investment and Housing to draft any amendments to, additional conditions or reasons for refusal in respect of the Planning Applications Schedule attached

Action by Planning Committee

Timetable Immediate

This report was prepared after consultation with:

- Local Residents
- Members
- Statutory Consultees

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

Background

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

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

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

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

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

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

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

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

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

Financial Summary

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

Risks

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

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

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

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

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

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

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

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

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

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

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

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

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

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

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

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

Options Available

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

Preferred Option and Why

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

Comments of Chief Financial Officer

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

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

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

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

Comments of Monitoring Officer

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

Staffing Implications: Comments of Head of People and Business Change

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

Local issues

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

Equalities Impact Assessment and the Equalities Act 2010

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

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

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

Children and Families (Wales) Measure

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

Wellbeing of Future Generations (Wales) Act 2015

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

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

Planning (Wales) Act 2015 (Welsh Language)

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

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

Crime and Disorder Act 1998

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

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

Consultation

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

Background Papers

NATIONAL POLICY

Planning Policy Wales (PPW) Edition 8 (January 2016)

Minerals Planning Policy Wales (December 2000)

PPW Technical Advice Notes (TAN):

- TAN 1: Joint Housing Land Availability Studies (2006)
- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Town Centres (1996)
- 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 9: Enforcement of Planning Control (1997)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2014)
- 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: The Welsh Language: Unitary Development Plans and Planning Control (2013)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)

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)
- 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)

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 2016 are relevant to the recommendations made.

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

APPLICATION DETAILS

No: 16/0348 **Ward:** MARSHFIELD

Type: FULL

Expiry Date: 06-JUL-2016

Applicant: D DOBSON

Site: TY HIR NEWYDD, MICHAELSTONE ROAD, MICHAELSTON-Y-FEDW, CARDIFF, CF3 6XT

Proposal: PROPOSED RETIREMENT DWELLING (RESUBMISSION OF WITHDRAWN APPLICATION 15/1459)

Recommendation: REFUSED

1. INTRODUCTION

- 1.1 This application seeks planning permission for the erection of a detached, single storey retirement dwelling in the grounds of the property known as Ty Hir Newydd, Michaelstone Road, Michaelston-y-Fedw, Newport. The development would be a 3No bedroom dwelling with a gross internal area of approximately 180m² along with improvements to the access road adjacent to its junction with Michaelstone Road. An application for the proposed development was previously submitted, but withdrawn, as shown in the site history below, so that the applicant could address the highway issues.
- 1.2 The application is brought before Committee at the request of Councillor White.

2. RELEVANT SITE HISTORY

03/1188	ERECTION OF TWO STOREY EXTENSION AND CREATION OF BALCONY	Granted with Conditions
15/1459	PROPOSED RETIREMENT DWELLING	Withdrawn

3. POLICY CONTEXT

The following are relevant to the determination of this application.

3.1 National Planning Policy – Planning Policy Wales (Edition 8, January 2016).

Paragraph 4.2.2 states that the planning system provides for a presumption in favour of sustainable development in taking decisions on planning applications.

Paragraph 4.7.8 states that development in the countryside should be located within and adjoining those settlements where it can be best accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

Paragraph 4.9.1 provides for a preference for the use of previously developed land over the use of greenfield sites.

Paragraph 9.1.2 states that LPAs should promote sustainable residential environments, including development that is easily accessible by public transport, cycling and walking, although in rural areas required development might not be able to achieve all accessibility criteria in all circumstances

Paragraph 9.3.2 states that sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area. It also states that significant incremental expansion of housing in rural settlements and

small towns should be avoided where this is likely to result in unacceptable expansion of travel demand to urban centres and where travel needs are unlikely to be well served by public transport.

Paragraph 9.3.4 states that LPAs should ensure that a proposed development of new housing does not damage an area's character and amenity.

Paragraph 9.3.6 states that new house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area. Isolated new houses in the open countryside require special justification, for example where they are essential to enable rural enterprise workers to live at or close to their place of work in the absence of nearby accommodation. All applications for new rural enterprise dwellings should be carefully examined to ensure that there is a genuine need.

3.2 Local Planning Policy – Newport Local Development Plan 2011-2026 (Adopted January 2015).

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

Policy SP5 Countryside limits development outside of the settlement boundary.

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

Policy SP13 Planning Obligations enables contributions to be sought from developers that will help deliver infrastructure which is necessary to support development.

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

Policy GP3 General Development Principles – Service Infrastructure states that development will only be provided where necessary and appropriate service infrastructure either exists or can be provided. This includes power supplies, water, means of sewage disposal and telecommunications.

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

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

Paragraph 5.1 Housing in the Countryside states that new dwellings in the countryside will be permitted only when it is essential for them to be on the site of a rural enterprise, or when they will provide affordable housing for which there is a demonstrable local need.

Policy H2 Housing Standards promotes high quality design taking into consideration the whole life of the dwelling.

Policy H6 Sub-division of Curtilages, Infill and Backland Development permits such development only where it does not represent an over development of the land.

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

Policy M1 Safeguarding of Mineral Resource states the Proposals Maps identifies areas safeguarded for minerals. The areas will be safeguarded unless the developer can demonstrate that working the resource is impractical; the minerals will be extracted prior to development; the development is temporary; there is an overriding need for the

developments; or the development is limited householder development or would constitute limited infilling.

3.3 **New Dwellings Supplementary Planning Guidance (Adopted August 2015).**

3.4 **Affordable Housing Supplementary Planning Guidance (Adopted August 2015).**

4. CONSULTATIONS

4.1 WALES & WEST UTILITIES: According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

4.2 DWR CYMRU/WELSH WATER: Recommend informatives.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE AND CITY SERVICES (TREE OFFICER): No objection subject to conditions.

5.2.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): The proposal will need to provide 3 off street parking spaces in accordance with the Newport City Council Parking Standards. It would appear that the proposed driveway is too small to accommodate 3 spaces however it's not clear what will form part of the parking area and the shared driveway. They must also clearly demarcate the extent of the shared driveway and the parking area for the proposed property. **The driveway has been increased in size to provide the 3 spaces required.**

5.2.2 The property is located in a non-sustainable location due to the lack of public transport in the area. The lanes in the area also don't benefit from footways and therefore I would expect the primary form of transport to the site to be by private motor vehicle. It is however noted that the property is in close proximity to route 4 of the national cycle route.

5.2.3 As previously stated as part of application 15/1459, the proposal will lead to intensification of use of the existing access. The width of the existing lane does not allow for two way traffic flow and therefore the increased vehicle movement could result in the increased likelihood of vehicle conflict and reversing manoeuvres having to be carried out. The intensification of use therefore justifies an improvement to the existing situation.

5.2.4 The use of private driveways cannot be considered as passing points however the applicant does propose to increase the first section of the lane to 4.1m which will allow for two way traffic flow. Currently the access road from the highway is narrow and does not allow for two way traffic flow. The applicant has proposed to only widen the initial section of the shared private access road. Guidance states that a shared driveway should be 4.5m wide for the first 10m and 4.1m for the remaining length. The applicant has not demonstrated that 4.5m width is achievable however I would suggest that should a vehicle conflict currently occur at the access then it's likely that any reversing manoeuvres would take place within the highway due to the narrowness and lack of passing points along the shared driveway. The widening as shown will allow any passing manoeuvres to take place off the highway along a section of the lane which is not fronted by residential properties. In terms of the remaining width of the lane itself, I acknowledge that the lane is narrow between Orana and Goodview, however a land registry search has been carried out which shows that where the lane abuts Kimberley it is of sufficient width to accommodate two way traffic flow.

- 5.2.5 In regard to the requirement for a road to be constructed to an adoptable standard where it serves 5 or more dwellings, this relates to an historical requirement by statutory undertakers who required that the road be adopted for the laying of apparatus.
- 5.2.6 It's agreed that the widening will provide a sufficient improvement to the existing arrangement and therefore I would offer no objection to the application subject to the following conditions:
- A construction management plan must be submitted which includes details of contractor parking/compound, wheels wash facilities and dust suppression.
 - The widening is implemented prior to construction.
- 5.3 HEAD OF STREETSCENE AND CITY SERVICES (DRAINAGE): No response.
- 5.4 PUBLIC PROTECTION MANAGER: No objection.
- 5.5.1 PLANNING CONTRIBUTIONS MANAGER: 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.
- 5.5.2 *Affordable Housing Contribution*
Commutated 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 the proposal for a net increase of 1No. 3 bed unit, and subject to economic viability, a commuted contribution of £25,591 would be required for affordable housing provision. Sum will be index linked to the Retail Price Index.
- 5.5.3 *Monitoring Fee*
In addition a Monitoring Fee of £28 will be required to cover the Council's cost of negotiations and on-going monitoring of the planning obligations. Payment will be due upon signing of the legal agreement.
- 5.6 PLANNING POLICY MANAGER:
- Planning Policy Wales (Edition 8, 2016)*
- 5.6.1 PPW states that housing development outside of the settlement boundary should be strictly controlled. Development in the countryside should be located within and adjoining those settlements that it defined settlements identified within the development plan, where it can best be accommodated in terms of infrastructure, access and habitat and landscape conservation. The application site is not within an identified settlement and therefore the development is not considered compliant with national policy.
- 5.6.2 National planning policy is clear that when planning for housing in rural areas it is important to recognise that development in the countryside should embody sustainability principles, benefiting the rural economy and local communities while maintaining and enhancing the environment. There should be a choice of housing, recognising the housing needs of all, including those in need of affordable or special needs provision. The application will not result in a development that provides either affordable or accommodation for economic benefit to the locale. The isolated nature of the location will also result in an over reliance on unsustainable form of transport for basic services.
- 5.6.3 National planning policy does recognise that many parts of the countryside have isolated groups of dwellings. Sensitive filling in of small gaps, or minor extensions to such groups, in

particular for affordable housing to meet local need, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages. It is not considered that the proposal is in conformity with this policy direction.

Local Development Plan 2011-2026 (Adopted January 2015)

5.6.4 There are a number of policies relevant to the proposed development, including: SP1 (Sustainability), SP5 (Countryside), SP10 (House Building Requirement), SP13 (Planning Obligations), GP2 (General Development Principle -General Amenity), GP3 (General Development Principle -Service Infrastructure), GP6 (General Development Principle -Quality of Design), Page 65 – Text – Housing in the Countryside, M1 (Safeguarding of Mineral Resource), T4 (Parking). Of particular note is Policy SP5 Countryside, LDP text Housing in the Countryside and M1 Mineral Safeguarding each will be dealt with below.

5.6.5 SP5 Countryside

This policy is clear that development within the Countryside, that is the area beyond the settlement boundary, is strictly controlled. Housing proposals such as this will only be appropriate where they apply with national policy, which has been set out clearly in the text above. The LDP provides an explanation as to its approach to Housing in the Countryside within chapter 5. There is no direct policy for housing in the countryside within the plan but the text clarifies that new dwellings in the

countryside will be permitted only when it is essential for them to be on the site of a rural enterprise, or when they will provide affordable housing for which there is demonstrable need. In this case the application does not provide either affordable accommodation or accommodation for a rural enterprise dwelling and therefore results in a strong policy objection.

5.6.6 M1 Mineral Safeguarding

A small section of the area is located within an area of Mineral Safeguarding; in this case it is for a sand and gravel resource. The policy seeks to safeguard the recognised mineral resources to ensure that the finite resource is not sterilised for future consumption. The proposal is within the curtilage of an existing residential property and therefore the proposal would not sterilise the mineral resource. It is considered on this basis that Policy M1 has been complied with.

Conclusion

5.6.7 The proposal does not conform with local or national planning policy in relation to housing in the countryside. Chapter 9 of Planning Policy Wales does allow sensitive infilling where appropriate, the local planning authority would need to consider the character of the surroundings and the number of such groups within the area.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within a common boundary with the application site were consulted (13No properties). 5No responses were received, objecting to the proposal on the following summarised grounds;

- 1) Proposal will not enhance sale of their property by putting off prospective viewers.
- 2) It would be an infringement of privacy.
- 3) The access road is very narrow and not built for the heavy duty transport that would be used as part of the build.
- 4) The applicant only owns a certain width of the driveway, not the width specified in the Vectos report.
- 5) The 'passing bays' as mentioned in the Vectos report are private property. No vehicles will be permitted to park, pass or use the land. Vehicles are parked in the passing bays for 90% of the week. Other neighbours park their own vehicles on the other 'passing bays'.
- 6) The proposal will cause disruption to amenity through noise, dirt and increased traffic.

- 7) Do not see the supposed benefits to themselves of widening the access road, as referred to in the Vectos report.
 - 8) Welcome the change in scale to a bungalow, but the house is just 1m from the hedge on the southern boundary and is therefore more imposing than if it were sited further away.
 - 9) The section shows the finished floor level being 2.3m above the adjacent driveway, meaning that the eaves will be roughly 4.5m above the driveway and impact on outlook and sunlight entering the garden.
 - 10) The wider entrance section does not make a difference to the insufficient width along the access road. There are sections which can't be widened and would result in a single width track, requiring vehicles to reverse in order to pass if a conflict arises.
 - 11) The property would overlook all the living space at the adjacent property as they are at a lower ground level, particularly from the glass door on the west elevation. The ground level differences would mean that the new property would have an impact on the surrounding community.
 - 12) There is no proposal to screen the development from Chapel Cottage and trees will need to be lost to place it so close to the boundary wall, leading to lack of privacy and an environmental impact.
 - 13) Question whether the necessary separation distances have been maintained.
 - 14) To add a 5th property would exceed the capacity of the existing track and would prove a nuisance to the existing properties along the access.
 - 15) The modern nature of the building and the materials proposed would not be appropriate.
 - 16) Question the accuracy of the ground floor plan and site plan.
 - 17) There are currently 6 occupants in the 4 dwellings. The additional property would result in extra vehicle movements on a hazardous stretch of road. Also, there is the possibility that many more vehicles will use the road in future if all properties are occupied to full capacity.
-
- 18) It is the section in front of Goodview, Orana and Kimberely that is dangerous, not the entranceway that is to be improved. The owners of these properties have a right of access over this section, but the section owned by the applicant is only 2.75m wide – anything beyond that is in the private ownership of the three dwellings. The Vectos report claims this section is 3m wide.
 - 19) There are no passing places/bays along the shared driveway. All three properties have pedestrian/garage entrances on the driveway.
 - 20) There is a blind bend on the driveway which is worsened by hedges/foilage.
 - 21) Cars and vans are more often than not parked on the hardstandings, meaning that they can't be used as passing places, and also results in a highway safety issue arising with pedestrians and pets emerging from behind them. Only recently a car had mounted the driveway at Goodview, smashing a flower pot and dragging it down the driveway. The consequences would have been much worse if this was a child.
 - 22) The shared driveway was constructed in 1968 for 3 dwellings, with one space per dwelling. The size of cars has increased since then and the driveway was not built to accommodate larger vehicles.
 - 23) The driveway has remained safe until now due to the few people using it and the neighbourly attitude adopted.
 - 24) There have been near collisions along the road, particularly with vehicles that are unfamiliar with the situation.
 - 25) The Vectos report is misleading in claiming that there are passing places along the driveway. These are parcels of private land that will not be available for use by the applicant's vehicles.
 - 26) There is no bus service available so personal vehicles are essential.
 - 27) As the access can't achieve the required standard along its length, the proposal represents an overdevelopment of the land and is contrary to policy H6 of the LDP.

If granted, the occupants of the existing properties will be deprived of 'reasonable living conditions'.

- 28) The access road should be designed to adoptedable standards, as stated in the New Dwellings SPG. The road can't possibly achieve this.
- 29) The Highways Officer fails to deal with the remaining length of driveway which is not to be widened, which is 2.75m wide, does not have passing places and has areas of potential conflict. Queries how the comments from the withdrawn application are no longer relevant.
- 30) Provide photographs showing ownership boundaries of the access lane and the extent of the lane not in private ownership.

6.2 COUNCILLOR RICHARD WHITE: Request the application is determined by planning committee due to the apparent conflict between the LDP and National Planning Policy relating to buildings in the open countryside.

6.3.1 MICHAELSTONE COMMUNITY COUNCIL: This is a re-submission of a previous application, and the comments previously made by the Community Council still apply. It is assumed that the intention to widen the drive has been agreed with the applicant's neighbours.

Previous comments;

6.3.2 Michaelston-y-Fedw Community Council supports the principle of renewal through small scale residential development which conforms to local planning policy. Even though this planning application is within what is described as "open countryside" we feel that this development should be permitted as it would allow a small increase in village size, as the village is in danger of becoming moribund. However some residents in the immediate vicinity think a single storey dwelling would be more in keeping with the surrounding houses.

Previous comments on amended scheme;

6.3.3 With reference to the revised application, our previous comments still apply. However the council is pleased to note that the applicants have responded to neighbours' concerns by adjusting the height and aspect of the dwelling.

7. ASSESSMENT

The site

7.1 The application site, Ty Hir Newydd, is part of a cluster of properties located on Michaelstone Road in Michaelston-y-Fedw. The Newport Local Development Plan 2011-2026 (Adopted January 2015)

defines the settlement boundary across Newport; Michaelston-y-Fedw is not within the settlement boundary of the aforementioned plan – as such, it is considered to be in 'the countryside'.

7.2 Michaelston-y-Fedw can be classed as two sections of ribbon development. The northern section, where there application site is located, comprises only residential properties and a graveyard; it has no access to local community facilities or services. The southern section, which is some 0.75km away (0.62km 'as the crow flies') from the northern section, is also primarily residential properties, although it does have access to limited facilities such as the Cefn Mably Arms Public House, St Michael's Church and a village hall. The links between the southern and northern sections of Michaelston-y-Fedw are limited to the narrow highway between the two sections, which is not served by a pavement. Similarly, the roads surrounding the development are not served by street lighting, which is considered a further deterrent to more sustainable forms of transport. Neither section is served by a bus service, with the nearest access to such a service at the A48 in Castleton. It is located near to a section of a national cycle on-road route.

7.3 The site itself forms part of the grounds of the detached single storey property known as Ty Hir Newydd. It is proposed to subdivide the extensive curtilage of Ty Hir Newydd in order to provide a plot for the proposed dwelling. It is considered that whilst it would reduce the level

of outdoor amenity space at Ty Hir Newydd, more than sufficient amenity space would remain following development.

- 7.4 There are a number of properties surrounding the site, which comprise a mixture of bungalows, dormer bungalows and two storey properties.

Principle of development

- 7.5 As mentioned above, the site lies outside of the settlement boundary, as defined by the LDP. As such, an application for a new dwelling in the countryside is subject to policy SP5 of the LDP and the text of chapter 5, as well as Planning Policy Wales (PPW).

Local policy

- 7.6 Policy SP5 of the states;
“DEVELOPMENT IN THE COUNTRYSIDE (THAT IS, THAT AREA OF LAND LYING BEYOND THE SETTLEMENT BOUNDARIES SHOWN ON THE PROPOSAL AND INSET MAPS) WILL ONLY BE PERMITTED WHERE THE USE IS APPROPRIATE IN THE COUNTRYSIDE, RESPECTS THE LANDSCAPE CHARACTER AND BIODIVERSITY OF THE IMMEDIATE AND SURROUNDING AREA AND IS APPROPRIATE IN SCALE AND DESIGN. HOUSING DEVELOPMENT, RURAL DIVERSIFICATION AND RURAL ENTERPRISE USES, BEYOND SETTLEMENT BOUNDARIES, WILL ONLY BE APPROPRIATE WHERE THEY COMPLY WITH NATIONAL PLANNING POLICY”

- 7.7 The supporting text to this policy states *“[The Countryside] will rarely be the appropriate location for development, except where this is for the specific benefit of the rural economy or the use satisfies policies H10 (Conversions in the Countryside) and H12 (Replacement Dwellings in the Countryside) of the LDP”.*

- 7.8 Similarly, the text at paragraph 5.1 states *“In accordance with Policy SP5, Planning Policy Wales and Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010), new dwellings in the countryside will be permitted only when it is essential for them to be on the site of a rural enterprise, or when they will provide affordable housing for which there is a demonstrable local need”.*

National policy

- 7.9 Planning Policy Wales provides for a presumption in favour of sustainable development (4.2.2), the re-use of previously developed land (4.9.1) and states that development in the countryside should be located within and adjoining existing settlements where it can be best accommodated in terms of infrastructure, access and habitat and landscape conservation (4.7.8), and it requires LPAs to promote sustainable residential environments, including development which is easily accessible by public transport, walking and cycling (9.1.2).

- 7.10 It states that infilling or minor extensions to existing settlements may be acceptable where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements must continue to be strictly controlled (4.7.8 and 9.3.6). It explains that isolated new

houses in the open countryside require special justification, for example where they are essential to enable rural enterprise workers to live at or close to their place of work in the absence of nearby accommodation (9.3.6). Similarly, it states that sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area and that significant incremental expansion of housing in rural settlements and small towns should be avoided where this is likely to result in unacceptable expansion of travel demand to urban centres and the travel needs are unlikely to be well served by public transport (9.3.2).

- 7.11 As previously mentioned, the site in question is not located within or adjoining an existing settlement and is therefore in ‘the countryside’, where new buildings should be strictly controlled. National planning policy is clear that when planning for housing in rural areas it

is important to recognise that development in the countryside should embody sustainability principles, benefiting the rural economy and local communities while maintaining and enhancing the environment. The application will not result in a development that provides either affordable housing or accommodation for economic benefit to the locale, nor does it propose accommodation to support a rural enterprise.

- 7.12 It is acknowledged that the proposal would infill a gap within the existing cluster of houses in northern Michaelston-y-Fedw, so it would not necessarily result in an urban intrusion in to the open countryside as its impact would be contained to the existing settlement of dwellings. However, its isolated location means that it does not have convenient access to any local services or facilities. It would therefore result in an over reliance on an unsustainable form of transport to access basic services (given the lack of public transport and walking/cycling infrastructure and the identified lack of local services), which is at odds with PPW, as well as policies SP1, SP5 and GP4 of the LDP and section ND3.1 of the New Dwellings SPG; which states that new development should occur in locations that are well served by local services and public transport, and also provide good pedestrian and bicycle links to local facilities and public transport.

The proposed dwelling and its design

- 7.13 The property has been designed as a 'courtyard' type development, with three walls of the property centered around a landscaped courtyard area. It has been designed to maximise its exposure to natural light and to minimise the impact on surrounding properties. There is a slight slope to the site towards the neighbouring properties at Bryn Derwen and New House. In order for the proposed dwelling to be level, the property would be slightly raised at its extremity in the north by approximately 0.7m. The dwelling itself would be of a single storey and have a modern appearance. Its footprint would measure a maximum of 18.5m x 17.5m and it would measure 2.6m in height to the eaves and 5m to the ridge. Its walls would be white render with a facing brick plinth below, grey aluminium glazing and a grey standing seam metal roof. It would provide an off-road parking area and its boundaries would comprise a mixture of beech hedging and stone walls, with some of the existing vegetation on site to be retained. It is not considered that it would result in an overdevelopment of the land given the scale of the proposal and the size of the site.
- 7.14 In this section of Michaelston-y-Fedw, there are a mixture of property designs and materials, however on the eastern side they are primarily white render with slate or concrete tile roofing. The scale and appearance of the proposed dwelling is considered to sympathetically relate to a number of the surrounding properties and the general character of the area. Despite its proposed grey metal roof, the limited appearance of the proposed dwelling and its modern appearance would mean that it would not appear incongruous within the street scene or on the dwelling itself.

Amenity for future occupiers

- 7.15 The layout of the proposed dwelling would provide adequate internal amenity space for the proposed occupiers. Similarly, the property would benefit from a generous amount of outdoor amenity space including a section of landscaped gardens. There are also various mature trees within the grounds of the existing property. The proposal broadly complies with the amenity space requirements as set out by the New Dwellings SPG, which requires 1m² of private amenity space for every m² of the unit's footprint.

Amenity for neighbouring occupiers

- 7.16 Policy GP2 of the LDP and the New Dwellings SPG seeks to safeguard the amenity of nearby occupiers in terms of overbearing impact, loss of light and loss of privacy. The neighbouring properties will be considered in turn;

Ty Hir Newydd

- 7.17 The proposed dwelling would be located approximately 14m to the west of the existing dwelling. Its elevations facing the existing property would include a single high-level window

serving the study and a rooflight serving the bathroom, with the window to bedroom 1 visible beyond that. There would also be a pathway between the proposed property and the plot boundary (a semi-mature beech hedge) with Ty Hir Newydd. Given the scale of the dwelling, the separation distance and the limited openings facing Ty Hir Newydd, it is not considered that the proposal would have a detrimental impact on residential amenity at Ty Hir Newydd in terms of overbearing impact, loss of light or loss of privacy.

Kimberley

- 7.18 There would be approximately 14m between the proposed dwelling and the property known as Kimberley. Direct views between the proposed dwelling and Kimberley would be limited given the oblique angle of Kimberley to the application site and the screening offered by the existing and proposed vegetation. Considering this oblique angle, it is considered that only the window to bedroom 1 would be visible. Given the scale of the proposal, the distance between the application site and Kimberley, the level of visibility its front elevation already receives and the siting of the site to the north of Kimberley, it is not considered that the proposal would result in a loss of light, overbearing impact or loss of privacy to the occupiers of that property.

Good View, Orana and The Old Post Office

- 7.19 It is not considered that the proposal would result in a detrimental impact on residential amenity at these properties by virtue of the distance between them and the application site.

Chapel Cottage (labelled "Church Cottage" and "Talahena" on various submitted plans)

- 7.20 In terms of privacy, the proposed dwelling would have a limited number of openings facing on to the graveyard and Chapel Cottage. These openings would comprise 2 No windows serving a corridor and a door to the utility room. The nearest of these openings would be 1.7m from the boundary of the plot. Given the nature of these openings, not serving habitable rooms and the fact that they are located at ground floor level (as the proposed dwelling is single storey), it is not considered that these openings would have an unacceptable impact on privacy/overlooking to Chapel Cottage, despite being at a higher ground level.
- 7.21 The proposed dwelling would be approximately 14m to the north-east of Chapel Cottage itself, at the higher ground level. As a result of this distance, despite being on a higher level of ground, it is not considered that it would have an overbearing impact on Chapel Cottage, particularly given its single storey scale.
- 7.22 Similarly, despite being at a higher level, considering its single storey scale, its siting to the north-east of Chapel Cottage and the presence of an existing detached garage in the grounds of Chapel Cottage, it is not considered that a detrimental impact on natural or diffuse daylight would result at Chapel Cottage.

New House

- 7.23 The distance between the proposal and New House is measured as approximately 26m. Again, the proposal is on a higher ground level, although bearing in mind this distance and the scale of the proposal, it is not considered that an overbearing impact or impact on daylight would occur. There would be no openings in the elevation facing New House, which would prevent a loss of privacy, with the only openings being rooflights in the roof slope serving the kitchen and utility room.

Bryn Derwen

- 7.24 Bryn Derwen is located adjacent to New House, although is closer to the application site boundary than its neighbour. This property is a single storey and its long central section extends towards the site boundary, on an angle. A section drawing has been provided to illustrate the higher ground level and the impact on Bryn Derwen. The nearest section of Bryn Derwen to the application site would be

the gable end of its central section, which is a minimum of 2.9m from the boundary and contains no openings. Similarly, the front elevation(s) of the Bryn Derwen have a limited number of smaller openings. The majority of its openings are located on the rear elevation,

which would be screened from the proposed dwelling by the aforementioned gable end section. Given the lack of openings in both the gable end and the rear elevation of the proposed dwelling, it is not considered that a loss of privacy/overlooking would occur.

- 7.25 As a result of the relationship between the two properties, with the openings and amenity spaces primarily at the rear of Bryn Derwen, it is not considered that the proposed dwelling would result in an overbearing impact or loss of light.

Highways and parking

- 7.26 The existing property, and the proposed development, would be accessed by a narrow access lane which runs from the application site, amongst the other properties of Kimberley, Good View and Orana and then joins Michaelstone Road at a point to the south of Orana. This access lane currently serves the three aforementioned properties and the existing dwelling Ty Hir Newydd. The lane varies in width along its length. In places, its width is only sufficient to accommodate a single vehicle. There are a few areas of hardstanding on either side of the road which could act as informal passing areas, however these are used as parking areas to the various other properties along the road and are outside of the applicant's ownership – therefore their availability for use as a passing place can't be guaranteed. A transport statement has been submitted in support of the application.
- 7.27 The Council's Highways Officer comments that the proposal will lead to intensification of use of the existing access. The width of the existing lane does not allow for two way traffic flow and therefore the increased vehicle movement could result in the increased likelihood of vehicle conflict and reversing manoeuvres having to be carried out. The intensification of use therefore justifies an improvement to the existing situation. Paragraph B11 of Technical Advice Note (TAN) 18, states that *"where planning applications are submitted within an existing development site and served by an existing substandard access, there should be scope for a limited redevelopment that incorporated a substantial access improvement, even though the improved access would still be below standard"*.
- 7.28 The Highways Officer acknowledges that the use of private driveways cannot be considered as passing points, but considers that the proposal to increase the first section of the lane to 4.1m which will allow for two way traffic flow (and a refuge place off the highway) would represent a sufficient improvement to the access.
- 7.29 Previous comments from the highways officer stated that the access point would need to be widened to 4.5m in width for the first 10m and then 4.1m for the remainder of its length, but acknowledged that this would not be achievable due to the site constraints. The transport report points out that increasing the access to 4.1m would comply with the recommended width in Manual for Streets in order to allow for two vehicles to pass each other, and to increase its width to 4.5m would only serve to increase vehicle speeds. It also states that the road is self-governing in terms of vehicle speeds due to the characteristics of the road.
- 7.30 The Highways Officer, having regard to TAN18, has agreed that the widening of the access would represent a significant improvement to the existing arrangements and therefore offers no objection, subject to conditions regarding implementation of the widened access and details of a construction management plan.
- 7.31 There have been objections to the use of the access road by additional vehicles and disputes over its ownership. Whilst there are sections of the access road (not including the 'passing bays') which may not be within the ownership of the applicant, the access is in existence and has been functioning as such for a number of years. To restrict access based on ownership, say by erecting a wall in the relevant parts, would serve to disrupt/prevent access to all properties along the lane. Whether or not the owner would restrict access to other parties is a civil issue.

Landscaping

- 7.32 The applicant has provided a tree report in support of the application. The Council's Tree Officer has also visited the site to discuss the landscaping and has offered no objection to

the application, subject to conditions. As part of the proposal, a selection of trees and vegetation is to be removed

from the site. There have been concerns raised with regards to the loss of vegetation and screening, although officers do not consider that the loss of vegetation/screening would result in a loss of privacy given the layout/design of the property (as mentioned in previous sections of this report). The applicant has suggested that suitable replacements could be planted in their place. Further details of these could be secured by condition.

Planning contributions

- 7.33 In accordance with policy H4 of the LDP and the Affordable Housing SPG, commuted 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 40% provision). Based upon the proposal for a net increase of 1No. 3 bed unit, a commuted contribution of £25,591 (plus a £29 monitoring fee) has been requested for affordable housing provision. The applicant has agreed to these terms.

Minerals

- 7.34 A small section of the area is located within an area of Mineral Safeguarding; in this case it is for a sand and gravel resource. The LDP seeks to safeguard the recognised mineral resources to ensure that the finite resource is not sterilised for future consumption. The proposal is within the curtilage of an existing residential property and therefore the proposal would not sterilise the mineral resource. It is considered on this basis that Policy M1 has been complied with.

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 It is considered that the proposed dwelling would be acceptable in terms of its design, provision of amenity for its intended occupants, the impact on neighbouring residential amenity, access and trees/landscaping. However, despite it being an infill development to a cluster of existing dwellings in the countryside which PPW states can be acceptable in some instances, it is in an unsustainable location without access to any basic services or facilities and is not served by a bus service or safe walking infrastructure. As a result of its isolated location and the poor infrastructure on offer to pedestrians and cyclists, occupiers would be entirely reliant on the private car given to access basic services and facilities - as such, it is considered to be unsustainable and contrary to policies SP1, SP5 and GP4 of the Local Development Plan, the New Dwellings SPG and Planning Policy Wales. It is therefore recommended that planning permission is refused.

10. **RECOMMENDATION**

REFUSED

01 The proposed development is located in an isolated, unsustainable location, in a village which lacks convenient access to any local services or facilities and is not served by a bus service. The site is a considerable distance from the A48 via a narrow lane with no pavements, street lighting and few passing places, which does not encourage use by pedestrians or cyclists as a sustainable form of transport. This would result in occupiers of the development being entirely reliant on the private car. The proposal is therefore contrary to policies SP1, SP5 and GP4 of the Newport Local Development Plan 2011-2026 (Adopted January 2015), the New Dwellings Supplementary Planning Guidance (Adopted August 2015) and Planning Policy Wales (Edition 8, January 2016).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Vectos highways report (162145, February 2016), James Pinder Treecare Consulting report (5.2015), Site plan (revised 22/01/2016), Ground floor plan (revised 27/06/2016), South and West elevations (revised 22/01/2016), East and North elevation, Site Section, Alterations to Access Drive, Site Location Plan and Design and Access Statement Appendix 1.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP5, SP10, SP13, GP2, GP3, GP4, GP6, H2, H6, T4 and M1 were relevant to the determination of this application.

03 The Council's Supplementary Planning Guidance – New Dwellings (August 2015) was adopted following consultation and is relevant to the determination of this application.

04 The Council's Supplementary Planning Guidance – Affordable Housing (Adopted August 2015) was adopted following consultation and is relevant to the determination of this application.

05 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.

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

07 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.

08 The applicant is also advised that some public sewers and lateral drains may not be recorded on DCWW 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 them 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.

APPLICATION DETAILS

No: 16/0348 **Ward:** MARSHFIELD

Type: Full

Expiry Date: 06-JUL-2016

Applicant: D DOBSON

Site: TY HIR NEWYDD, MICHAELSTONE ROAD, MICHAELSTON-Y-FEDW, CARDIFF, CF3 6XT

Proposal: *PROPOSED RETIREMENT DWELLING (RESUBMISSION OF APPLICATION 15/1459)*

1. LATE REPRESENTATIONS

- 1.1 The applicant has submitted a response to the representations made by First Stop Planning, on behalf of the neighbour at 'Goodview', as set out below.
- 1.2 Firstly, setting out the background of the properties of 'Kimberley', 'Goodview' and 'Orana', stating that they were built in the 1960s by the original owners of the properties as self-builds. The original owner of 'Kimberley' owned the major part of the land and took control and ownership of the access road for the development. The owner of 'Kimberley' then sold that property, and the land on which 'Ty Hir Newydd' was later built, to Mr & Mrs Dobson (the applicants) in 1986/7. The land was sold together with the access road, which has not changed in form or layout since it was sold, and has never required repairs or maintenance. Once 'Ty Hir Newydd' was built, 'Kimberley' was sold, but the applicant retained ownership of the access road. 'Kimberley' was sold in two parts, the property and an area of lawn to the front (the other side of the access road where the cess pit was located). A new mains sewer was built, with the other properties connecting to it, leaving the cess pit redundant. The lawn was then removed and it became a hardstanding for the vehicles at 'Kimberley', since the garage is used for storage.
- 1.3 In terms of safety, the applicant claims there have never been any safety issues arising with the access road. The observations from the highways consultant and the Council's Highways Officer point out that the access road is used by existing inhabitants and vehicles use all available road space, irrespective of ownership or demarcation. The road is known by its users and users drive according to the prevailing road conditions. The applicant claims that the neighbour had attempted to demarcate his parking area with planting pots, but this lasted only a few days.
- 1.4 With regards to potential increased vehicle use, the applicant claims that the First Stop Planning suggestion is incorrect – allowing 3 journeys for two cars in both directions would entail 12 movements a day, working on a principle of 9am to 8pm, the increase would be a minimum of 1 car per hour.
- 1.5 In terms of the passing bays, neighbours cars, when parked on the hardstanding areas do not hamper access to other properties. When there are no cars parked on the hardstanding then that area can be and is used.
- 1.6 Respond specifically to points made in the First Stop Planning response, as follows;
 - Point 10 – The figure of a 500% vehicle movement increase is incorrect and based on future assumed occupation for all 5 properties.
 - Point 11 – of course there are occasions when visitors arrive who have never been to the properties. The access road, and properties, are not advertised with signage as they do not wish to advertise their presence. All residents have decided not to erect signs.

- Point 13 – Evidence has been sent to the highways officer which shows that a 10 tonne lorry can arrive and exit in a forward gear and that the access can accommodate such vehicles.
- Point 19 – The First Stop Planning Statement is incorrect, and can be verified by measurements on site. The boundary line between the access and ‘Cae Gwyn’ has been discussed and agreed between the two parties. The owners of ‘Cae Gwyn’ do not object to the widening of the road.

1.7 The owner of ‘Goodview’ has argued that he owns a strip of the access road which cannot be used by vehicles driving on the access road. To be clear, the previous owner of ‘Goodview’ sought planning permission for a double garage and the rebuilding of the concrete retaining wall. The wall was repositioned for two reasons; to improve access to the proposed garaged, and to provide with for the garage foundations without breaking up the existing access road.

1.8 Concludes; It is regretted that the objectors are resorting to this level of debate. The applicant knows precisely the extent of his ownership as far as the access road is concerned.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

2.1 The above late representation is submitted by the applicant in response to an objection submitted by First Stop Planning on behalf of a neighbour. The contents of the applicant’s response responds to a number of concerns raised on behalf of the neighbour, although these are largely civil issues, such as land ownership.

2.2 The issue regarding the use and suitability of the access road has previously been considered and accepted by Council Officers, as set out in the Officer’s report. This late representation has not altered that assessment.

3. OFFICER RECOMMENDATION

3.1 The officer recommendation remains the same as set out in the main report.

APPLICATION DETAILS

No: 16/0374 **Ward:** *SHAFTESBURY*

Type: FULL

Expiry Date: 13-JUN-2016

Applicant: *GARETH DRAPER, NEWPORT CITY COUNCIL*

Site: *YSGOL GYMRAEG BRO TEYRNON, BRYNGLAS DRIVE, NEWPORT, NP20 5QS*

Proposal: *PROVISION OF TEMPORARY TWO STOREY MODULAR CLASSROOM BLOCK AND PROVISION OF PERMANENT ADDITIONAL ACCESS AND ON SITE CAR PARKING*

Recommendation: Granted with Conditions

1. INTRODUCTION

- 1.1 This application seeks consent for the provision of a temporary two storey modular classroom block and provision of permanent additional on site vehicular access and car parking at Ysgol Gymraeg Bro Teyrnnon, Brynglas Drive.
- 1.1 The property is an existing primary school located within sizable grounds in a predominantly residential area. Domestic properties are located along Brynglas Drive to the south-east and Brynglas Close to the north-east. Graig Wood SINC adjoins the north-western and south-western intervening boundaries.
- 1.3 The use of the buildings is proposed until July/August 2018.
- 1.4 **The application was previously deferred by Planning Committee due to concerns over the highways impacts of the proposals, in particular over the pick up and drop-off arrangements for pupils given the wider catchment area of the school and its likley dependence on vehicular journeys.**
- 1.5 **In response to Committee's concerns the applicant has submitted a supporting statement providing clarification of how the arrangements at the school would work. The nature of the proposals remains the same. This stament can be found in Appendix A of this report.**
- 1.6 **The Head of Streetscene and City Services (Highways) offers no objection to the proposals and Officer recommendation is that the application should be granted subject to conditions as set out below.**

2. RELEVANT SITE HISTORY

01/0484	ERECTION OF NEW AUTISM UNIT COMPRISING 2 NO CLASSROOMS & ANCILLARY ROOMS (SINGLE STOREY) ALSO MODIFIED ON-SITE PARKING & SCHOOL ACCESS	GRANTED WITH CONDITIONS
14/0687	SINGLE STOREY EXTENSION TO REAR OF SCHOOL INCORPORATING A NEW CANOPY TOGETHER WITH REPLACEMENT WINDOWS AND NEW FELT ROOF	GRANTED WITH CONDITIONS

3. POLICY CONTEXT

3.1 National Planning Policy

Planning Policy Wales (Edition 8, January 2016)

Chapter 4 (Planning for Sustainability)

- So far as possible, local planning authorities should direct development to brownfield land Chapter 11 (Tourism, Sport and Recreation)

Para 11.1.12 states 'All playing fields whether owned by public, private or voluntary organisations, should be protected from development except where:

- Facilities can best be retained and enhanced through the redevelopment or a small part of the site;
- Alternative provision of equivalent community benefit is made available; or
- There is an excess of such provision in the area.

TAN 16 in detail

Paragraph 3.7 states the following:

- Playing fields and green spaces, when not required for their original purposes, may help to meet the need for informal recreational or amenity land in the wider community.
- Only where it can be clearly shown that there is no deficiency should the possibility of their [that is, playing fields and green spaces] uses for alternative development be considered.
- Playing field loss will need to be justified in relation to policies in the LDP, PPW and, where available, be consistent with the findings of the Open Space Assessment.

Planning (Wales) Act 2015

- Section 31 states that the use of the Welsh language may be a material consideration in the determination of an application for planning permission.

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

Policy SP1 identifies that proposals are required to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary.

Policy SP2 identifies that proposal should seek to maximise their contribution to health and well-being.

Policy SP12 identifies that development that affects existing community facilities should be designed to retain or enhance essential facilities.

Policy GP1 refers to general development principles designed to withstand climate change and reduce the risk to flooding.

Policy GP2 which aims to protect general amenity in terms of noise and disturbance, privacy, overbearing impact, light and visual amenities.

Policy GP3 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 relates to highway and access and requires that development should provide access for pedestrians, cyclists, be accessible to main transport routes and provide cycle storage.

Policy GP5 in relation to the Natural Environment states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats.

Policy GP6 relates to quality of design and 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 refers to Environmental Protection and Public Health development will not be permitted which will cause risk to the environment, local amenity, health or safety.

Policy CE8 is relevant in relation to proposals affecting locally designated nature conservation sites.

Policy CF1 Protection of Playing Fields, Land and Buildings used for Leisure, Sport, Recreation and Play notes that such sites will be protected unless it can be demonstrated that they are surplus to requirements or adequate alternative provision will be provided.

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

4. CONSULTATIONS

4.1 WALES AND WEST UTILITIES: Provide details of apparatus within the area.

4.2 DWR CYMRU WELSH WATER: Request conditions relating to drainage.

5. INTERNAL COUNCIL ADVICE

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

5.2 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): Whilst a school travel plan will not be required for the proposed temporary use, an access strategy should be provided encouraging sustainable travel over the private car. It must also confirm how pupils will be managed between the bus terminal and preferred parent pick up/drop off location and the school. This can be secured by condition.

The applicant will need to contact Streetscene's Internal Transport Unit for the removal/re-siting of the bus stop to facilitate the car park access.

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

5.4 HEAD OF LAW AND REGULATION (NOISE): No objection.

5.5 HEAD OF STREETSCENE AND CITY SERVICES (LEISURE): The Leisure section would not object to the proposal at this time as the small amount of open space required to provide additional car parking at the school should not prevent the children from making good use of the remaining open space for formal and informal play. However, any further applications to develop more of the remaining would be opposed.

5.6 PLANNING POLICY MANAGER: On the basis that a temporary planning permission is granted for 2 years, there would be no planning policy objection.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (94no properties) and a site notice displayed. One response received objecting to the proposals as there is poor visibility of oncoming vehicles due to the narrow, poorly surfaced bumpy road which is exacerbated by vehicles parking on both sides. There is already a very high volume of traffic due to the access required by residents to Bryn Bevan estate, Brynglas House and existing school. The scheme is dangerous and a different site should be considered.

One response received confirming that whilst they offer no objection in principle, the proposed parking area does not have a means of enclosure. It is imperative that it is secured at night in the same way the rest of the school is or with a barrier to prevent anti-social behaviour.

7. ASSESSMENT

7.1 Newport City Council has a statutory obligation to provide Welsh-medium Secondary School places by September 2016. In advance of the permanent location being available for September 2018, a temporary site is required to allow secondary education in the medium of Welsh to be provided. The

Welsh-medium Secondary School known as Ysgol Gyfun Gwent Is Coed will open to pupils in Year 7 in September 2016 with a maximum of 90 pupils. A maximum of 120 additional pupils will attend the school in September 2017.

- 7.2 Currently pupils within Newport choosing to be educated in the medium of Welsh are unable to continue their education in Newport once they reach Secondary School. Pupils must travel considerable distances to neighbouring authorities if they are to continue with Welsh-medium Education. The full curriculum will not be provided on the proposed temporary site. Subjects such as Physical Education will be provided at another local High School. This option reduces the demand on facilities at Ysgol Gymraeg Bro Teyrnnon.
- 7.3 The proposed modular buildings would be erected to the west of the site in an area that is currently used as a netball court on the fringe of the adjacent wood. 31no parking spaces are proposed to the east of the site on what is currently playing fields adjacent to Brynglas Drive. Whilst the modular buildings would be temporary, the proposed parking provision would be permanent and would continue to be utilised in conjunction with the school.
- 7.4 The applicant advises that the two storey modular buildings are yet to be procured and although the exact dimensions cannot be confirmed, details of their appearance has been provided and in terms of dimensions they would be no greater than 5.9m in height, 21m in length and 10m in depth.

7.5 **Principle of Development**

The School falls within the existing urban boundary as defined in the LDP, and policy SP12 (ii) of the LDP supports the provision of new community facilities that includes educational facilities within sustainable locations. As the site accommodates an existing school and falls within the defined urban boundary, it is considered that the proposals satisfy policy SP12 of the LDP. The proposals are therefore considered to be acceptable in principle, subject to other material considerations that are discussed below.

7.6 **Planning Policy**

The Planning Policy Manager initially expressed concerns as the applicant is not providing alternative provision for the loss of the concrete netball area where the building is to be sited, or the loss of an area of playing field where the parking provision is to be located. Subsequently, the applicant provided detailed information about existing and proposed site areas. As part of this it was confirmed that Physical Education lessons and sporting fixtures for the Welsh Medium pupils temporarily housed on site at the site will take place at a local High School, so will not require use for this purpose of the existing facilities. It has also been confirmed that both schools will operate different timetables to ensure start of day, break times, lunch times and end of day will be staggered which will mean that the use of play areas will not be over populated.

- 7.7 In response to the information provided, the Planning Policy Manager confirms he is satisfied that the play areas will not be over populated and the deficit in pitches and games courts (hard surface) that will arise once the classroom and carpark are built can be addressed through this action plan and whilst this is not considered an ideal situation, the applicant has stated that this situation will only be in place for a maximum of 2 years. On the basis that a temporary planning permission is granted for 2 years, there would be no planning policy objection.
- 7.8 Whilst the modular buildings would be temporary, the parking provision would be permanent and so the proposals would result in the permanent loss of part of the school's playing fields. However, the parking provision area is comparatively small and the school would still be served by a very large area of playing field. On balance, it is not considered the proposals would result in an unacceptable reduction in play space.

7.9 **Visual Impact**

Due to the siting of the proposed building to the rear of the site, away from neighbouring dwellings and approximately 60m away from the site frontage, it is not considered that it would be visually prominent or incongruous in the street scene.

7.10 The proposed parking provision would however be much more prominently located adjacent to the highway in place of what is currently playing fields. The parking area would be sited opposite properties in Brynglas Drive. In order to reduce the visual impact of the new parking area it is recommended that a condition requiring a scheme of landscaping is imposed, should planning permission be forthcoming.

7.11 **Highway Matters**

As noted above a new access and 31no parking spaces are to be provided within the site. In response to the proposals the Head of Streetscene (Highways) confirms no objection is offered and advises that whilst a school travel plan will not be required for the proposed temporary use an access strategy should be provided encouraging sustainable travel over the private car. It must also confirm how pupils will be managed between the bus terminal and preferred parent pick up/drop off location and the school. This can be secured by of condition if planning permission is forthcoming.

7.12 **Neighbour Amenity**

The proposed building would be located at least 70 metres away from the nearest residential properties and would not result in a detrimental impact in terms of neighbouring privacy or amenity.

7.13 The introduction of a car parking area to the north-east of the site would undoubtedly result in greater noise and disturbance from the comings and goings of vehicles than the existing use as a playing field. However, there would be a distance of at least 20m between the parking area and this relationship is similar to that of properties towards the south-west and the existing school parking which is considered to be acceptable.

7.14 Representations have been received from a neighbour who is concerned that there is potential for anti-social behaviour as a result of youths parking up in the new car parking area outside of school hours. However, the applicant has confirmed that the new parking area is to be fully fenced and gated. The gates will open into the site and would be locked by the caretaker outside of school hours. The proposed fencing would match the fencing provided at the site when the nursery area was developed in 2015. It would measure approximately 1.8m in height. The proposed fencing is considered to be in keeping the school and it is not considered to result in a detrimental impact to the character of the area.

7.15 **Protected Species**

As noted above, the site lies adjacent to a wooded SINC. The development does not encroach into the SINC, but a number of trees along the border which overhang the boundary of the school are to be cut back. An inspection of nesting birds and bats on the trees highlighted for work. The inspection found that the trees had negligible potential for bats and no nesting birds were observed.

7.16 The Council's Ecology Officer offers no objection to the proposals.

7.17 **Trees**

A Tree Survey has been submitted in support of the planning application which identifies a number of management recommendations that includes pruning and removal of dead wood.

7.18 The Council's Tree Officer has no objection to the proposal.

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)**

The above duty has been given due consideration in the determination of this application. It is considered that that the proposal would have significant benefits in promoting the use of the Welsh language within the City.

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 facilities would have a number of significant benefits including the promotion of the Welsh language in the City. Despite the loss of part of the existing play areas, due to the way in which it is proposed to operate the two schools during the temporary period there would not be an unacceptable reduction in play space.

9.2 The proposals would not have a detrimental impact on protected species or trees.

9.3 The proposals are considered to be acceptable in terms of neighbouring amenity.

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

10. **RECOMMENDATION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: NPS-00-00-SU-A-001, 3485 ELEVATION, 3485 CONSTRUCTION, NPS-00-00-SU-A-002, NPS-00-00-SU-A-005, NPS-00-00-SU-A-003, NPS-00-00-SU-A-004, NPS-00-00-SU-A-010, 3485 PLAN, 3485 FOUNDATION, Transport Statement, Tree Inspection.

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 commencement of development, full details of fencing and gates to be erected around the new parking area shall be submitted to the Local Planning Authority and written approval received. The development shall be carried out fully in accordance with the approved details.

Reason: In the interests of visual and neighbouring amenity.

03 Prior to commencement of development, full details of a highways access strategy shall be submitted to the Local Planning Authority and written approval received. The strategy shall include details of how sustainable travel will be encouraged, confirmation of how pupils will be managed between the bus terminal and preferred parent pick up/drop off location and the school.
Reason: In the interests of highway amenity and to encourage a sustainable form of development.

04 No development shall commence until full details of landscaping proposals in the area located between Brynglas Drive and the new parking provision area hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details within the first full planting season (October to April inclusive) following the creation of the parking area. Thereafter, the approved landscaping scheme shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management scheme. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established.
Reason: In the interests of visual amenities.

General conditions

05 This permission shall be for a limited period expiring on 31st August 2018, when the modular buildings shall be removed, the use discontinued and the land restored to its former condition, unless prior to that date an application has been submitted to the Local Planning Authority for consideration.
Reason: To enable the Local Planning Authority to review the situation at the end of the temporary period due to the temporary nature of the buildings and due to the shortfall in play space as a result of pupil number increase at the site.

06 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.

NOTE TO APPLICANT

01 This decision relates to site location plan.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP12, GP1, GP2, GP3, GP4, GP5, GP6, GP7, CE8, CF1 and T4 were relevant to the determination of this application.

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

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

05 The applicant is advised to contact the Streetscenes section of the Council for the removal/re-siting of the bus stop to facilitate the car park access.

PlanningNote



Date:	16 th June 2016
Subject Ysgol Gymraeg Bro Teyrnnon	1104: Ysgol Gyfun Gwent Is Coed at
Planning Application No.	16/0374
Proposal	Provision of temporary two storey modular classroom block and provision of permanent access and on site car parking.
Officer Report Recommendation:	Granted with Conditions
Planning Committee Decision:	Deferred due to highway impact
Authors	Newport Norse
Summary	Additional Information for Planning Committee

Background

- 1 Newport City Council has a statutory obligation to provide Welsh-medium Secondary School places by September 2016.
- 2 Currently pupils within Newport choosing to be educated in the medium of Welsh are unable to continue their education in Newport once they reach Secondary School. Pupils must travel considerable distances to neighbouring authorities if they are to continue with Welsh-medium Education.
- 3 In advance of the permanent location being available for September 2018, a temporary site is required to allow secondary education in the medium of Welsh to be provided.
- 4 The Welsh-medium Secondary School known as Ysgol Gyfun Gwent Is Coed will open to pupils in Year 7 in September 2016 with a maximum of 90 pupils

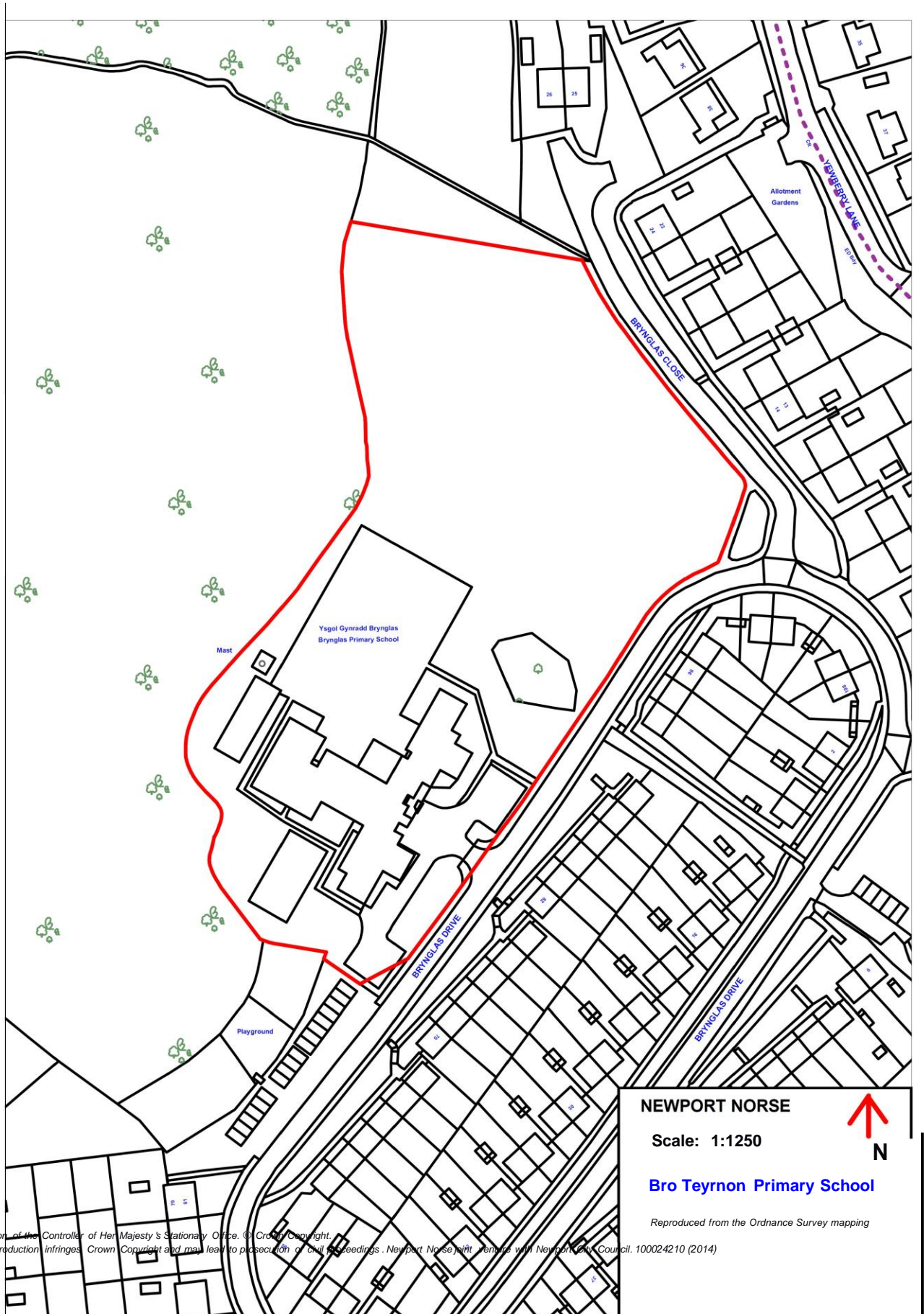
Existing Site

- 5 Below is an aerial photograph of the existing Ysgol Gymraeg Bro Teyrnnon site.



6 The existing Ysgol Gymraeg Bra Teyrnnon site, indicated below, is 3.89 acres (15,760sqm).

Graig Wood



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- 7 NCC Education identified Ysgol Gymraeg Bro Teyrnion as the site for the temporary accommodation as the existing Primary School is not at full capacity, and the existing ASD Unit on site is expected to transfer to the Gaer within the first year of occupation by Ysgol Gyfun Gwent Is Coed.
- 8 The transfer of the ASD Unit will lead to a significant reduction on the number of vehicle movements each day.
- 9 It was noted by the Client that the site had previously been used to temporarily house pupils from Newport High School when the new school was being constructed on Bettws Lane.
- 10 The drop off and pick up arrangements at that time utilised the turning circle at the top of Brynglas Road.
- 11 Ysgol Gyfun Gwent Is Coed and Ysgol Gymraeg Bro Teyrnion will have staggered school opening and closing times to ensure traffic movements are kept to a minimum at peak times.

Proposed Design

- 12 It was determined, that to allow the pupils to be housed on site at Ysgol Gymraeg Bro Teyrnion from September 2016, there would be a need to provide a two storey double demountable classroom block, in addition to the two classrooms made available to Ysgol Gyfun Gwent Is Coed within the existing school.
- 13 Following a tender process, Portable Offices Ltd. were appointed to provide the classroom block. The proposed unit is shown below:

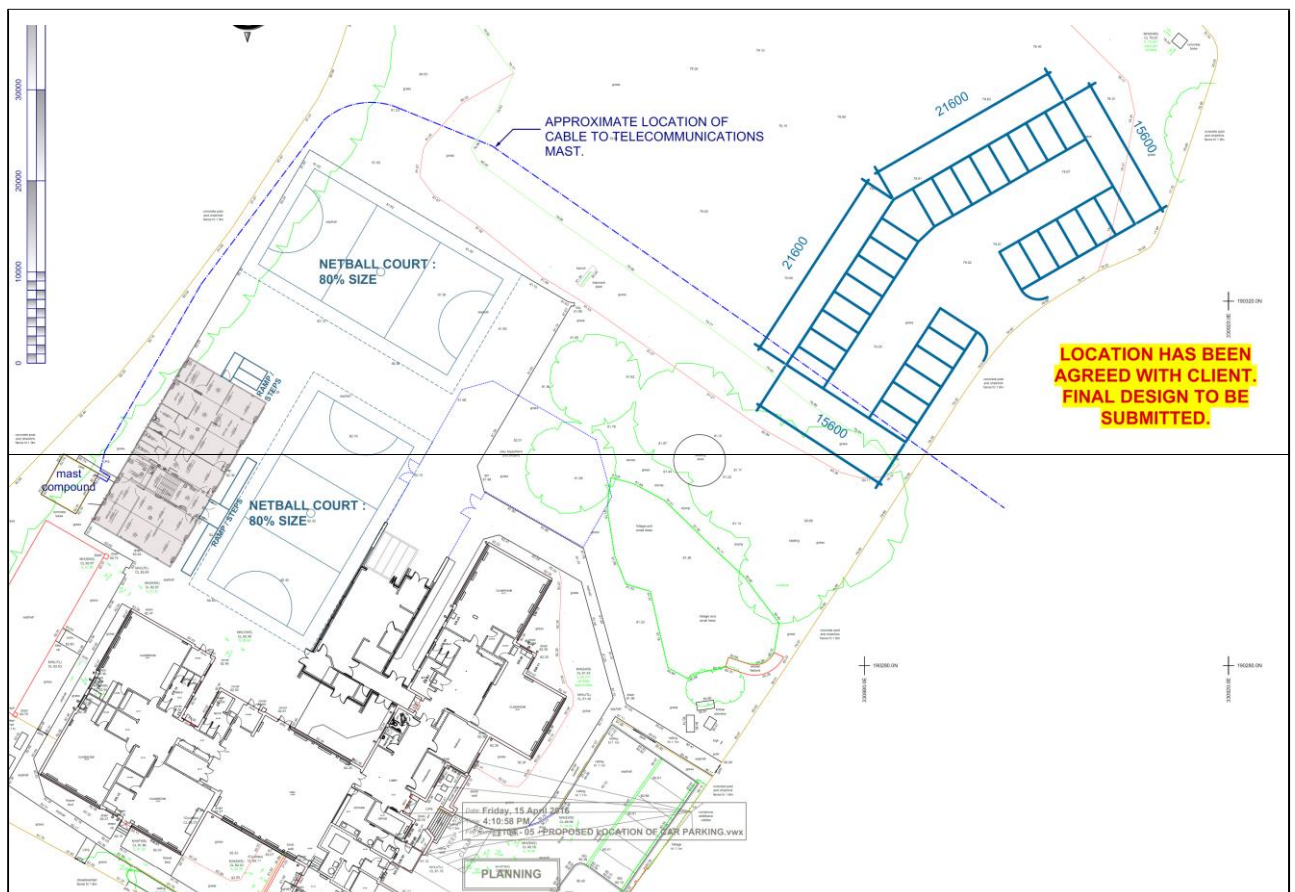


- 14 Following early discussions with NCC Streetscene, it was noted that a Traffic Assessment would be required to accompany the planning application.
- 15 NCC Streetscene provided contact details of suitable consultants to undertake the Traffic Assessment.
- 16 Prior to tendering this work, NCC Streetscene were asked to comment on the information to be provided to the consultants and the specification provided for inclusion in the completed Assessment.
- 17 Capita were successful in tendering and commenced work 22nd March 2016, following confirmation from NCC Streetscene that Capita's proposals were acceptable.
- 18 Capita based the Transport Statement on the following National and Local policies:

Planning Policy Wales (2010), Chapter 8

Technical Advice Note 18: Transport
Newport Local Development Plan Newport Parking Standards

- 19 The School will be encouraged to advise pupils and parents to use more sustainable and healthy forms of transport and to minimise the need for travel.
- 20 To help encourage cycling to the site, eight cycle parking spaces are to be provided.
- 21 The Proposed site layout is as shown below:



28 Another clear message from the residents was the issues created when evening events are held on site. To alleviate this problem, a drop kerb is to be provided in the existing school car park, which will allow vehicles access to event parking on the rear school yard.

Planning Application

29 Planning was validated by NCC Planning on 19th April 2016.

30 Through the Planning process, additional information was provided by relevant parties as questions were raised.

31 Confirmation was received from Newport Transport that they do not provide a service for Brynglas Road / Brynglas Drive.

32 New Adventure Travel have taken over this route with the N2 Service:

N2 Newport - Brynglas	
N2 takes you from Newport Market Square - Brynglas All our services buses are super low riders, equipped to cater wheelchair users and prams	
Monday - Friday <i>(school days only)</i>	<i>from 9th May 2016</i>
Newport Market Square <small>(Stand 23)</small>	0710 0850 0950 1050 1150 1250 1350 1450 1650 1750
Redland Street Bottom	0715 0855 0955 1055 1155 1255 1355 1455 1655 1755
Brynglas Drive Brynglas Court	0719 0859 0959 1059 1159 1259 1359 1459 1659 1759
Brynglas Turning Circle	0720 0900 1000 1100 1200 1300 1400 1500 1700 1800
Brynglas Road jct Bryn Bevan	0722 0902 1002 1102 1202 1302 1402 1502 1702 1802
Newport Market Square <small>(Stand 23)</small>	0729 0910 1010 1110 1210 1310 1410 1510 1710 1810

33 NCC Streetscene were informed that school busses will be dropping off and picking up at the turning circle and were asked if this was an issue. The following comment was received: "Due to the frequency of the service that is run by our school transport provider, I do not think so"

34 NCC Streetscene made the following comment in respect of their statutory consultation:

The principal of this temporary application is acceptable.

Whilst a school travel plan will not be required for the proposed temporary use an access strategy should be provided encouraging sustainable travel over the private car. It must also confirm how pupils will be managed between the bus terminal and preferred parent pick up/drop off location and the school.

35 NCC Planners asked if this could be conditioned.

36 NCC Streetscene made the following comment:

A condition that it is submitted, approved and implemented prior to first occupation will suffice.

37 NCC Planners Report contained the following statement:

5.2 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): Whilst a school travel Plan will not be required for the proposed temporary use, an access strategy should be provided encouraging sustainable travel over the private car. It must also confirm how pupils will be managed between the bus terminal and preferred parent pick up/drop off location of the school. This can be secured by condition.

38 The Temporary Accommodation Transport Statement, that formed part of the Planning Application, contained the following relevant information on proposed school travel arrangements:

4.8 Proposed school travel arrangements

It is proposed that the existing school travel arrangements for YGBT are retained.

Newport City Council (NCC) have advised that funded transport will be provided as follows:

2 x 8-seater minibuses

1 x 30-seater bus

It is proposed that bus drop off and pick up takes place at the turning circle at the top of Brynglas Road.

It is also proposed that pupils travelling to the school by private transport will be dropped off and picked up on the surrounding road network.

A member of school staff will be present to supervise pupil journeys between the turning circle at the top of Brynglas Road and the school entrance.

39 The Temporary Accommodation Transport Statement, that formed part of the Planning Application, contained the following relevant information on potential Highway Impact Assessment:

6.2 Highway Impact Assessment

The impact of the increase in school related trips is considered to be minimal and not to have a material impact on the safety or operation of the local highway network.

This is firstly due to the relatively low number of additional vehicular trips anticipated, and the fact that drop off and pick up may take place further afield as year 7 and year 8 students will not require supervision to the school entrance. It is likely that drop off and pick up will take place on Brynglas Road to allow parents to turn at the turning circle and continue their journey. A school staff member will be present at the turning circle at the top of Brynglas Road to ensure that pupil journeys to the school are made safely.

It should be noted that the accommodation of YGGIC pupils at YGBT is temporary.

It should also be noted that the traffic generation analysis undertaken represents the worst case scenario as the school start and finish times are to be staggered. Therefore only a proportion of the traffic estimated will arrive at once.

It is proposed that school bus drop off and pick up takes place at the turning circle at the top of Brynglas Road. As such there will be minimal impact on Brynglas Drive and the surrounding local roads.

It is concluded that pupil safety is well managed at the Ysgol Bro Teyrnnon School, and future journeys to and from the school may also be managed in a safe and convenient manner.

- 40 The Temporary Accommodation Transport Statement, that formed part of the Planning Application, concluded:

9. Conclusion

It is concluded that the proposed temporary accommodation of YGGIC pupils will result in only a marginal increase in trips generated to and from the school, which will have no material impact on the safety or operation of the local highway network.

It is also concluded that the proposed access arrangement serving the site will be safe and appropriate for the proposed use.

- 41 Notification was received from Planners on 1st June 2016 that the application had been deferred by Planning Committee due to concerns over the highway impact measures of the proposal. Key issues were noted as:

Their particular concern was over the pick-up and drop off arrangements for pupils especially given the wider catchment of this school and its likely dependence on vehicle journeys.

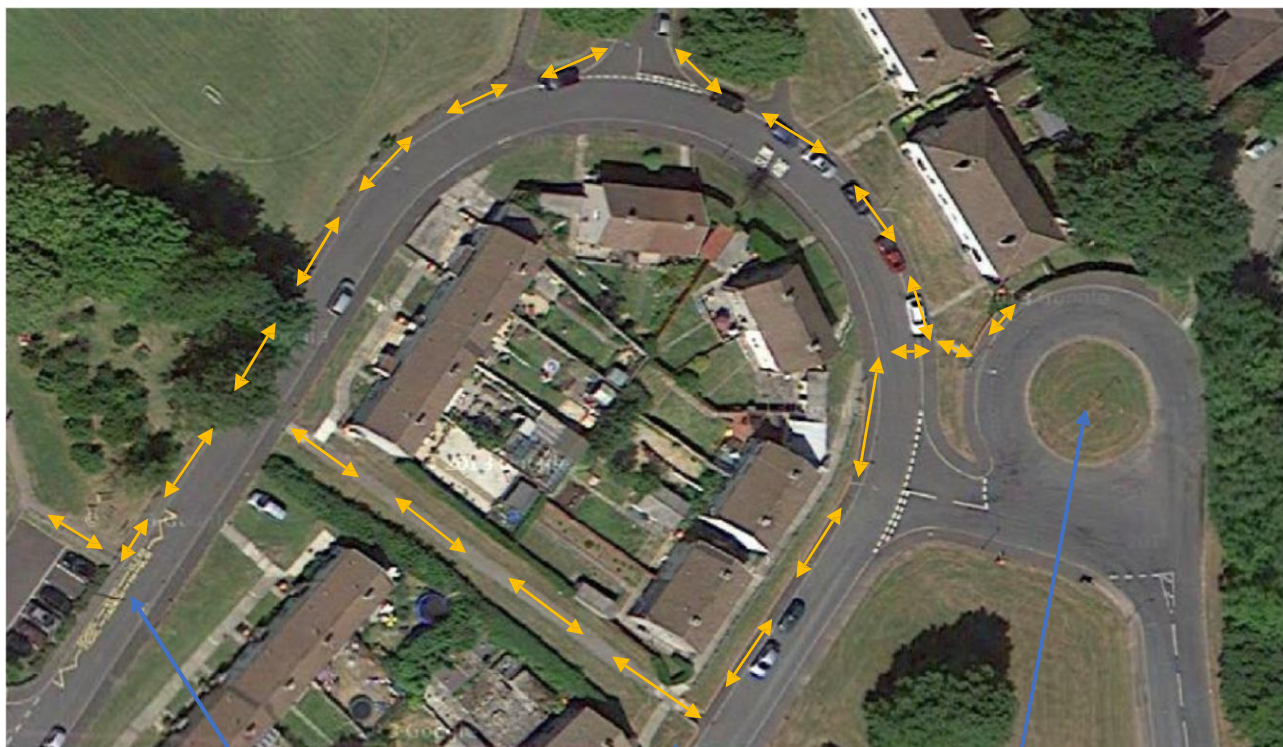
They were not content with the proposed conditional controls and need up-front information on how the pick-up / drop off will work with a stated preference for an off-road solution so as to minimise impact on the highway.

- 42 It can be seen that the items outlined above as issues are addressed within the Temporary Accommodation Transport Statement that formed part of the Planning Application, but it is understood that a clearer interpretation is required.
- 43 Following meetings with NCC Planners and the Client, various options were discussed to determine if any alternative plan to that proposed could be achieved in the required time frame and budget.
- 44 Initial sketches and estimates were developed and issued to relevant parties, but have been discounted due to the above noted constraints.

Proposed Arrangements for Ysgol Gyfun Gwent Is Coed

- 45 Newport City Council have advised that funded transport will be provided as follows:
2 x 8-seater minibuses
1 x 30-seater bus

- 46 New Adventure Travel is the School Transport Provider.
- 47 New Adventure Travel provide service N2 to Brynglas Road Turning Circle. It is likely to carry pupils attending Ysgol Gyfun Gwent Is Coed.
- 48 The Location of the turning circle in relation to the school is shown below:



Existing school pedestrian entrance.

Existing bus turning circle.

Alternative routes.

- 49 NCC Streetscene were informed that school busses will be dropping off and picking up at the turning circle and were asked if this was an issue. The following comment was received:

Due to the frequency of the service and that it is run by our school transport provider I do not think so.

- 50 A member of school staff will be present to supervise pupil journeys between the turning circle at the top of Brynglas Road and the school entrance.
- 51 Both schools will be running breakfast clubs opening at 8.00am, which will reduce the flow of traffic at peak times, as the pupils making their own way to school, will be dropped off over a greater time period.
- 52 After school activities run by both schools will again reduce traffic at peak time reducing the impact on the highway and residents.

- 53 The existing ASD Unit on site is due to transfer to the Gaer within the first year of occupation by Ysgol Gyfun Gwent Is Coed.
 - 54 The transfer of the ASD Unit will lead to a significant reduction on the number of vehicle movements each day.
 - 55 The existing pedestrian infrastructure will be maintained and increased cycle parking will be provided ensuring that access to the school by sustainable modes of transport is encouraged.
 - 56 Following the removal of the temporary accommodation for Ysgol Gyfun Gwent Is Coed at Ysgol Gymraeg Bro Teyrnnon, the new car park will remain as a benefit to the existing site. This will help to alleviate any future parking demand on Brynglas Drive.
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APPLICATION DETAILS

No: 16/0230 **Ward:** MARSHFIELD

Type: FULL (MAJOR)

Expiry Date: 12-JUN-2016

Applicant: DEBORAH FRY, ST BRIDES BANGERS

Site: FAIR ORCHARD FARM, LIGHTHOUSE ROAD, NEWPORT, NP10 8SF

Proposal: CHANGE OF USE OF LAND TO ALLOW MOTOR RACING FOR A LIMITED NUMBER OF DAYS PER YEAR (MAXIMUM OF 10 DAYS) RESTRICTED TO SUNDAYS AND BANK HOLIDAYS ONLY

Recommendation: Granted with Conditions

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the change of use of land to allow for motor racing for a maximum number of 10 days per year on Sundays and Bank Holidays only.
- 1.2 The site has relevant planning history. An application (No 98/0415) for the use was refused in July 1998 and an enforcement notice was served in August 1998 requiring the cessation of use of the land for motor (banger) racing. A subsequent appeal was allowed in January 1999 which granted a temporary consent for the use until December 2002. This consent was subsequently renewed (No 02/1453) until December 2006. Most recently, in 2010 an application was granted extending the permission until 31st December 2015. This permission was made temporary in order to not prejudice the Welsh Assembly Government's proposals for the new M4 motorway. The consent restricted the number of events to no more than 8 occasions a year.

2. RELEVANT SITE HISTORY

98/0415	TEMPORARY CHANGE OF USE FOR GRASSTRACK RACING FOR NO MORE THAN EIGHT DAYS IN ANY YEAR	Appeal Allowed
99/0159	DISCHARGE OF CONDITION 03 (DITCH AND REEN PROTECTION AND CROSSING MEASURES OF DEALING WITH POLLUTION INCIDENTS DETAILS OF MARSHALLING AND DETAILS OF PREVENTION OF PARKING ON THE HIGHWAY)	Approved
02/1453	REMOVAL OF CONDITION 01 (TEMPORARY CONSENT) OF APPEAL DECISIONS G/6935/C/98/512376 AND G/6935/A/98/512375 FOR USE OF LAND FOR GRASS TRACK RACING	Granted with Conditions
10/0428	CHANGE OF USE OF AGRICULTURAL LAND TO USE FOR BANGER (MOTOR) RACING	Granted with Conditions

3. POLICY CONTEXT

- 3.1 Policy SP1 Sustainability favours proposals which make a positive contribution to sustainable development.
- Policy SP3 Flood Risk directs development away from flood risk areas.
- Policy SP5 Countryside limits development outside of the settlement boundary.
- Policy SP7 Green Wedges restricts development that impacts on the openness of the four designated Green Wedges.

Policy SP8 Special Landscape Area restricts development that may impact on the characteristics of the six designated Special Landscape Areas.

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

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

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

Policy 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 CE4 Historic Landscapes, Parks, Gardens and Battlefields protects such sites against the impacts of inappropriate development. They are conserved and the policy promotes enhancement where possible.

Policy CE6 Archaeology states that proposals in areas known to have archaeological interest or potentially have archaeological interest will be required to undertake an archaeological impact assessment.

Policy CE8 Locally Designated Nature Conservation and Geological Sites includes the protection of Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNRs) and Regionally Important Geological/Geomorphological Sites (RIGS). The policy limits development affecting these sites unless there would be no significant impact or appropriate mitigation/compensation can be agreed.

4. CONSULTATIONS

- 4.1 NATURAL RESOURCES WALES: Ecology: Have significant concerns with the proposed development as submitted but consider it likely that the concerns can be addressed and would not object, provided a condition is imposed on any planning permission granted that requires an adequate buffer zone either side of the watercourses to be agreed. Without this condition, the proposal may have an unacceptable effect on Gwent Levels: St Brides SSSI controlled waters.

Flood Risk

Note the application site lies partially within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines. Given the scale of the proposed development we consider the risk could be acceptable subject to the developer being made aware of the potential flood risks.

- 4.2 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: The likelihood that the ground has previously been disturbed suggests that 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.
- 4.3 WELSH GOVERNMENT ROADS: It is noted that the infrastructure associated with the development is temporary in nature and as such no objection is raised to the proposals. The applicant should be reminded that part of the red line area is under notification of Compulsory Purchase in respect of the M4 corridor improvements around Newport. It is requested a condition restricting structures from impinging on this area.
- 4.4 WENTLOOGE COMMUNITY COUNCIL: Comment as follows:

-With the proposed reduction in parking spaces – down by 300, is there enough parking?
Parking on Lighthouse Road could be a problem. There has to be sufficient parking and the

inappropriate parking that has taken place up to now, particularly on Pheasant's Bridge, has to be controlled. Highway safety should not be compromised.

-Is the proposed screening fence to prevent people watching events from Pheasant's Bridge adequate to achieve this?

-It needs to be considered whether an increase from eight to ten events is too much.

-Consideration needs to be given on what affect will the proposed M4, if it goes ahead, have on any permission granted.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE AND CITY SERVICES (TREES): No objection.

5.2 HEAD OF LAW AND REGULATION (NOISE): No objections are offered to the proposals. However, I would recommend temporary permission in order to be able to assess the noise impact on the nearby residential dwelling in view of the increased number of events proposed.

5.3 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): Raises Concerns about the parking of spectator vehicles on the nearby railway bridge and the impact of this on highway safety.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 100m of the application site were consulted (1no property) and a site notice was displayed. A press notice was published in South Wales Argus. No responses have been received.

7. ASSESSMENT

7.1 The site is located within the western levels of Newport in the Marshfield Ward. It is accessed from Lighthouse Road via an existing field gate. The racing track is located in the centre of the site. Spectator parking is provided around the edge of the track. A pit area and race control is located to the east and south of the track.

7.2 The previous permissions have been on the basis of 8 days per year. The applicant is now seeking 10 events per year on Sundays and Bank Holidays only. Events would start at 12 noon and finish by 17.30. No building works or alterations to the land are proposed as part of the application.

7.3 As noted above, the permission was originally allowed on appeal. Whilst the most recent permission expired in December 2015, there has been no material change in circumstances at the site. The Newport Local Development Plan has been adopted since the granting of the latest planning permission, but it is not considered that this plan has a significant effect on the policy considerations of the current application.

7.4 There are five main issues relating to the application;

- the traffic implications of the use;
- impact on local amenities by reason of noise and disturbance;
- flooding;
- impact on landscape character;
- ecological considerations.

7.5 *Traffic Implications*

The applicant has submitted a statement in which it is confirmed that the number of parking spaces will remain the same. This is not formally marked out but is provided informally in various areas around the site. It is stated that it is estimated that traffic generation would be around 350 vehicles, based on previous events although the site can accommodate more than double this amount. Contrary to the comments of the Community Council, parking provision is not being reduced.

- 7.6 Competitors are encouraged to drop off their vehicles the day before events take place, or before 10 am on the morning of the event. Spectators are permitted to arrive from 10 am with racing commencing at mid-day. To prevent potential queueing on the highway there are three payment points within the site. Disabled parking provision is also available and is sectioned off.
- 7.7 The nearby railway bridge has recently been upgraded. The revised design inadvertently enables vehicles to park on the bridge during events. The Head of Streetscene (Highways) has raised concerns about this and the potential impact to highway safety. The applicant is keen to discourage spectators from parking here rather than entering the site and advises that temporary heras fencing covered with mesh would be constructed on the site behind the crash barriers to screen the events and discourage vehicles from parking on the bridge. Whilst the Head of Streetscene (Highways) offers no objection in principle to this, he has advised that he is unable to comment fully on the effectiveness of the screening as the precise details of the location of the screening has not been provided. It is also questioned whether the fencing can be guaranteed as it would appear that the use of third party land, outside of the application site is required.
- 7.8 Whilst the comments and concerns of the Head of Streetscene are duly noted and it is acknowledged that it would not be possible to condition the erection of the heras fencing as third party land is involved, the applicant is understandably keen to prevent drivers from parking on the bridge as it is within their interests to ensure that any spectators have entered the site and paid an entrance fee. Therefore, it can reasonably be concluded that irrespective of a condition being imposed, the applicant will seek to prevent views of the events from the bridge. Notwithstanding this, it should be acknowledged that the parking of vehicles so that they may obstruct the highway is an offence for which the police can prosecute and whilst the applicant is likely to take all reasonable steps to prevent this from happening, individuals causing a highway safety issue as a result of their parking are liable to police enforcement action.
- 7.9 In terms of safety within the site, St John Ambulance provides first aid cover for all events and club marshals receive training prior to every race meeting.

7.10 ***Impact on Local Amenities***

During previous events, it was shown that little noise emanated from the 'pit' area where the cars are prepared with most of the noise arising from the public address system. The site is relatively isolated from the main residential area. Other than Fair Orchard farm, the only other residence in close proximity to the site is Whitecross Farm to the north-west. This is screened from the site by the road embankment of the bridge over the railway. The Inspector in the previous appeal did not consider that the temporary nature of the use, to no more than 8 afternoons during the year would unduly harm the amenities of the area. The applicant is now seeking 10 events per year. It is therefore a consideration of this application whether the increase in the number of events from 8 to 10 a year would result in any greater impact to the amenities of neighbouring residents, in particular that of Whitecross Farm.

- 7.11 In response to the proposals the Public Protection Manager advises that whilst no objections are offered to the proposals it is recommended that the permission is given on a temporary basis in order to be able to assess the noise impact on the nearby residential dwelling. The Public Protection Manager has not referred to any complaints having been made to Environmental Health as a result of the events. It is also worth noting that there are no records of any complaints having been made to Planning Enforcement. On balance, it is not considered that two further events, per year, would be detrimental to the amenity of neighbouring residents. It is considered that should planning permission be forthcoming, it should be on a temporary basis in order to enable the Council to retain control over the use and to monitor the use should complaints be received.

7.12 ***Flooding***

The site lies partially within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July

2004). NRW Flood Maps, which are updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines.

7.13 NRW advise that given the scale of the proposed development, they consider the risk could be acceptable subject to the developer being made aware of them and they offer no objections to the proposals.

7.14 It is the role of the Local Planning Authority to assess development proposals in terms of access and egress where it is situated within a flood risk area. Whilst the applicant has submitted a Flood Consequence Assessment (FCA) with the application, the FCA is brief and does not provide data with regard to access/egress. However, TAN15 accepts that FCA's should be commensurate with the scale and nature of the development.

7.15 In this instance the following considerations are relevant to the assessment of the application in terms of flooding:

- The type and nature of the use is low vulnerability and accords with the main principles of TAN15 which directs more vulnerable development away from flood risk areas;
- It is a daytime use only with competitors and spectators not permitted to camp at the site overnight;
- There are no permanent buildings or structures at the site in association with the use;
- The developer is aware of the flood risks and will be advised to sign up to Natural Resources Wales' advanced flood warning system;
- The events are reliant on fair weather to attract spectators and remain viable. Although not unheard of, flooding is less likely to occur in the fairer months. The events would not be held between November to April. This would be restricted by planning condition should planning permission be forthcoming, as with previous consents for banger racing at the site;
- The use would not increase the risk of flooding elsewhere.

7.16 The likelihood is that the developer would not hold a race in the event that flood warnings had been issued. In this instance, given the lack of objection from NRW, the above factors and crucially the scale and nature of the use, it is considered that the development is acceptable in terms of flood risk.

7.17 ***Impact on Landscape Character***

At the time of the appeal, the site was designated as a Special Landscape Area in the deposit version of the Borough of Newport Local Plan. The Inspector was of the view that given that the only evidence of the use would be confined to the posts and wires around the perimeter of the racing area, the proposal would not unduly harm the landscape character of the area. The area was never designated as a Special Landscape Area under the Unitary Development Plan, but was designated as a Green Wedge. The site remains as Green Wedge under the Newport Local Development Plan but unlike the UDP, under the current plan, the site is also designated as a Special Landscape Area. It is therefore helpful that the Inspector considered the site under such a designation and concluded that the use is acceptable given that the nature of the site would largely be unaffected with no permanent development involved. There is no justification for the Council to differ from the approach taken by the Inspector and it is considered that the use would respect the open character of the area. Similarly, there would be no significant harm to this Landscape of Outstanding Historic Interest.

7.18 ***Ecology***

The proposed development site is located within the Gwent Levels: St. Brides SSSI. The SSSI is notified for its range of aquatic plants and invertebrates associated with the reens and ditches of the drainage system. The special interests of the SSSI are dependent on the water quality, water quantity, the existence of the drainage system and its continued

management. Any development which has an adverse impact on any of these factors will have an adverse impact on the wildlife for which the area was notified.

7.19 NRW have responded to the proposals and note that field ditches lie within and adjacent to the site. NRW consider that the proposed development has the potential to cause adverse impact upon the Gwent Levels: St. Brides SSSI by altering the quality and quantity of water entering the drainage system of the SSSI. They therefore request a condition restricting activity within 12.5m of any reed. Subject to this no objection is offered.

7.20 ***Other Matters***

The Welsh Government (Transport and Strategic Regeneration section) has previously required that the use of the land be for a temporary period of five years, so that the Assembly's proposals for a new M4 motorway are not prejudiced. However, in response to the latest application Welsh Government has not requested a temporary consent, but have acknowledged the temporary nature of the structures involved and have requested that a condition is imposed, should planning permission be granted, restricting any additional development in the protection area of the new M4 relief road.

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 continued use of the site for motor racing for upto ten events a year is considered to be acceptable and would not result in a loss of amenity, nor would it result in a detrimental impact to the ecological interests of the site subject to conditions below.
- 9.2 The use is considered to be acceptable in terms of flood risk.
- 9.3 Whilst there are concerns about parking on Pheasants Bridge, this is a matter for which the police can take action and it is considered unreasonable to hold the applicant solely accountable for this, although though the applicant is likely to do ensure that all reasonable steps are taken to prevent views of the racing from the bridge.
- 9.4 It is recommended that the application is granted subject to the following conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

Pre- commencement conditions

01 No development shall take place until a scheme for the provision and management of a 12.5 meter wide buffer zone for any reens and a 7 meter wide buffer zone for any ditches shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development.

The scheme shall include:

- plans showing the extent and layout of the buffer zone
- details demonstrating how the buffer zone will be protected during site use
- details of any footpaths, fencing

Reason: To ensure protection to the surrounding watercourses and the Gwent Levels: St Brides SSSI.

02 Any date on which the use hereby permitted is to take place shall be notified in writing to the Local Planning Authority at least one week before any such date.

Reason: To ensure that the Local Planning Authority retains control over the use.

03 Prior to the commencement of the use hereby permitted, an Event Management Strategy shall be submitted to and agreed in writing by the Local Planning Authority. The Strategy shall deal with matters relating to:

- (a) traffic and parking management including signage, access for emergency vehicles and disabled parking;
- (b) details of protective fencing;
- (c) details of toilet facilities including disabled facilities;
- (d) health and safety procedures including first aid provision;
- (e) cash handling procedures;
- (f) the position and alignment of the speakers associated with the public address system.

The provisions of the approved Event Management Strategy shall be fully implemented at all events.

Reason: To ensure proper management of events in the interests of highway and public safety and to prevent crime.

General conditions

04 Any structures must be temporary in nature and must not impinge on the land shown in pink or blue on the attached plan (extract from sheet 6 of the CPO plans for the M4 Corridor around Newport).

Reason: In order not to jeopardise the Welsh Government plans for the M4 Corridor around Newport.

05 The use hereby permitted shall be discontinued on or before 31 December 2021.
Reason: In order to enable the Local Planning Authority to retain control over the development and in the interests of neighbouring amenity.

06 The use hereby permitted shall not take place on more than 10 occasions in any one year and shall not take place during the period between 1 November and 30 April. Events shall take place on Sundays and Bank Holidays only.
Reason: To ensure that the Local Planning Authority retains control over the use.

07 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
Reason: To prevent pollution to the water environment of the Gwent Levels SSSI.

08 The use hereby permitted shall not take place unless the access track into the site is of a minimum of 6 metres in width.
Reason: In the interests of highway safety.

NOTE TO APPLICANT

01 This decision relates to site location plan, Design and Access Statement and supporting statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP5, SP7, SP8, SP9, GP2, GP4, GP7, CE4, CE6 and CE8 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 applicant is advised on behalf of NRW that:

The site is within the Wentloog and Caldicot internal drainage district (IDD). Surface water runoff from the site should not be discharged directly to the drainage system (i.e. field ditches and reens). If you intend to discharge directly to the drainage system you will be required to apply for a Land Drainage Consent. This will need to be obtained from Natural Resources Wales. For more information on this process please contact our Customer Contact Centre on 03000 65 3000, or by following the link below:
<https://naturalresources.wales/water/internal-drainage-districts/carrying-out-your-own-work-in-a-drainage-district/?lang=en>

The precautionary measures set out in the FCA should be put in place to avoid pollution events, such as arrangements for dealing with unplanned leaks and spills. Pollution control equipment such as spill booms or absorbent granules should be available and kept within an accessible reach on site. Staff should be briefed of the location of such equipment and of how and when to use them.

06 The applicant is advised that the site is located within a flood risk area. The developer is advised to sign up to Natural Resources Wales advanced flood warning system. For more information please contact NRW on 03000 65 3000.

APPLICATION DETAILS

No: 16/0359 **Ward:** STOW HILL

Type: FULL (MAJOR)

Expiry Date: 14-JUN-2016

Applicant: SDG (NEWPORT) LTD

Site: LAND AND BUILDINGS ENCOMPASSING 19 TO 21, CAMBRIAN ROAD, NEWPORT

Proposal: DEMOLITION AND ERECTION OF A SINGLE SIX STOREY OFFICE AND EDUCATION BUILDING (USE CLASSES B1/D1) WITH ASSOCIATED COMMERCIAL UNIT (USE CLASSES A1/A2/A3/B1/D1), KIOSK (USE CLASSES A1/A3), LANDSCAPING AND ASSOCIATED WORKS (INCLUDING NEW STAIRS).

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the construction of a 6 storey office and education building above and encompassing some of an existing public house (The John Wallace Linton Wetherspoons) on the corner of Cambrian Road and Queensway. The proposed building would be constructed over both the pub building and would replace the existing service yard which is above the pub building and extending towards Queensway. The proposed development is named as Phase 2 of the Cambrian Centre redevelopment. Phase 1 saw the construction of the 6 storey Admiral building, 4 retail units and a public plaza.
- 1.2 The primary entrance to the building would be off Queensway with a further access off the Plaza to the first floor. The first floor is proposed to have a flexible A1/A2/A3/B1/D1 use depending on the needs of the end tenants of the office/education floorspace. It is proposed to create this use to provide an active frontage onto the Plaza.
- 1.3 The proposal would also involve the demolition of the existing front façade of the pub building and all of the service yard adjacent to it. The front façade of the pub would be replaced with a new frontage which ties into the design of the new building. It also includes the demolition of the roof structure over the staircase which leads up to the Plaza, and to slightly narrow the staircase. The proposal also includes the construction of a new kiosk building which would be located west of the proposed office/education building and would have a frontage onto Queensway. A new set of stairs would be constructed between the office/education building and the kiosk.

2. RELEVANT SITE HISTORY

04/0942	REDEVELOPMENT OF SITE WITH THE ERECTION OF A MULTI-STOREY CAR PARK, HOTEL, RESIDENTIAL BUILDING AND OFFICES (REVISED SCHEME)	Granted with conditions
06/1495	MIXED USE DEVELOPMENT COMPRISING: RETAIL, COMMERCIAL, OFFICE USES (USE CLASSES A1, A2, A3 AND B1); HOTEL; 239 RESIDENTIAL APARTMENTS; AND ASSOCIATED CAR PARKING AND LANDSCAPING - AMENDED PLANS AND AMENDED DESCRIPTION	Granted with conditions
10/0746	PROPOSED MIXED USE REDEVELOPMENT OF THE CAMBRIAN CENTRE. AN EXISTING RETAIL / LEISURE SCHEME, INCORPORATING RETAIL, LEISURE, OFFICES, A BUS INTERCHANGE, CAR	Granted with conditions

	PARKING AND ASSOCIATED PUBLIC REALM (OUTLINE)	
12/0105	PROPOSED DEVELOPMENT COMPRISING ERECTION OF NEW OFFICE BUILDING, CONSTRUCTION OF NEW COMMERCIAL FLOORSPACE (A1 AND A3 USE CLASSES). THE PARTIAL DEMOLITION AND REMODELLING OF EXISTING CAR PARK AND LANDSCAPING	Granted with conditions

3. POLICY CONTEXT

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

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

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

Policy SP18 **Urban Regeneration** supports development which assists the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land.

Policy SP19 **Assessment of Retail Need** sets out the retail hierarchy for where retail development should be located. 1. Newport City Centre; 2. A Defined District Centre; 3. Local Centres; 4. Out of Centre

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 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 CE6 **Archaeology** states that proposals in areas known to have archaeological interest or potentially have archaeological interest will be required to undertake an archaeological impact assessment.

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

Policy 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.

4. CONSULTATIONS

4.1 WALES AND WEST UTILITIES: Advise of apparatus in the area.

- 4.2 WESTERN POWER DISTRIBUTION: Advise of apparatus in the area.
- 4.3 SOUTH WALES FIRE AND RESCUE: No response.
- 4.4 REGIONAL AMBULANCE OFFICER: No response.
- 4.5 NEWPORT CIVIC SOCIETY: No response.
- 4.6 NEWPORT ACCESS GROUP: No response.
- 4.7 HEDDLU – GWENT POLICE (ARCHITECTURAL LIAISON OFFICER): No response.
- 4.8 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: We have consulted the regional Historic Environment Record and note that the application area is situated within the Archaeologically Sensitive Area of Newport, although the proposed development area contains no designated sites. Whilst the development is located inside the medieval town of Newport, an archaeological watching brief was conducted during the construction of the Cambrian Centre in the 1980s which noted no evidence of any surviving medieval remains. The conclusions of the watching brief was that Victorian redevelopment of this area had destroyed any evidence of the medieval settlement. Therefore it is unlikely that archaeological remains survive in this area and so there is unlikely to be an archaeological restraint to this proposed development. 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 department of the Trust.
- 4.9 DWR CYMRU – WELSH WATER: No objection subject to a condition requiring details of a drainage scheme. They also advise that there are no problems envisaged with waste water treatment work and have no objection in relation to water supply.
- 4.10 STOW HILL COMMUNITIES FIRST: No response.
- 5. INTERNAL COUNCIL ADVICE**
- 5.1 HEAD OF LAW AND REGULATION (ENV. HEALTH): No objection subject to conditions requiring the submission of a Construction Environmental Management Plan, details of opening hours, restriction to noise from plant and equipment, details of fume extraction equipment, maintenance of fume extraction equipment and details of sound insulation if amplified music is to be played anywhere.
- 5.2 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPE): No response.
- 5.3 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): A planning application for a development of this size must be supported by a Transport Assessment. In this instance due to the sustainable city centre location a Transport Statement would be accepted but nothing has been provided.
- 5.3.1 The Travel Plan submitted in support of the application has been forwarded to the Regional Travel Plan Co-Ordinator for comment. An acceptable travel plan must be submitted for approval and implemented prior to first occupation. For information the bus stops on Queensway included in the Travel Plan are no longer in use.
- 5.3.2 Part of the existing vehicular access into the existing service yard is public highway. The highway rights over this access will need to be stopped up in association with this planning application if approved.
- 5.3.3 New stair access to the plaza is proposed which is not DDA compliant. The only DDA compliant access to the plaza are two lifts which is not acceptable.

5.3.4 The loss of the service yard which serves the plaza units is disappointing with on street service delivery and refuse collection proposed. Whilst this is reluctantly accepted for existing properties, this application should ideally have included off street provision for all of the applicants ownership, off street servicing and refuse collection for the plaza units and new buildings must be provided. Additionally the submitted drawings show all external doors opening outwards on to the public highway which is not acceptable.

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

5.5 HISTORIC BUILDINGS AND CONSERVATION OFFICER: The site falls in close proximity to the Town Centre Conservation Area, the boundary of which runs along Cambrian Road. Cambrian Road forms an important part of the setting of a number of listed buildings along its length; these include the Former Tredegar Arms Hotel at the northern end, Newport Arcade opposite the application site, and the National Westminster Bank, Tredegar Chambers the Lamb public house at the southern end. The eastern side of Cambrian Road represents a cohesive row of late 19th and early 20th century commercial buildings. The western side, on the other hand is generally characterised by late 20th century development, including buildings on this site which relate particularly poorly to the historic character of the street.

5.5.1 When viewed in the context of Cambrian Road, the proposed building seems excessive in scale, and is likely to dominate. However, effort has been made to provide an elevational treatment which respects the rhythm of the street, providing a richness of architectural detail and a sense of proportion which respects nearby historic buildings. Given the poor quality of the existing building on the site and these mitigating factors, I would consider that the impact on the adjacent conservation area and the setting of nearby listed buildings will be moderate, but still adverse. However, this impact seems likely to be outweighed by the positive benefits of the scheme.

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

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (57 properties), a site notice displayed and a press notice published in South Wales Argus. No responses.

7. ASSESSMENT

7.1 *The Proposal*

7.1.1 The proposed development is a 6 storey building which has a similar design approach to the Admiral building to the west. It has a vertical emphasis through glazing and a grid like structural form. It differs from the Admiral building in that there is the use of reveals to the glazing to create depth and rhythm. The glazing is across all elevations so that it creates active frontages to Cambrian Road, Queenway and the Plaza. The ground floor has a greater vertical emphasis to differentiate between the A3 uses on the ground and first floor and the office use on the upper floors. The ground floor elevation facing Queenway would incorporate a recessed entrance, supported by columns of the building. This would create the focal entrance for users of the offices. The Cambrian Road elevation at ground floor continues the column based vertical emphasis and provides a new frontage to the existing Wetherspoons premises which is retained. It is also proposed to remove the existing roof structure above the existing stairs leading from Cambrian Road to the Plaza.

7.1.2 A new kiosk building is also proposed west of the new office building. It would provide a frontage at first floor onto Queenway and would be a predominantly glazed structure. It would be a two storey building with the ground floor not being usable except for an entrance to the upper floor. The ground floor would be a void allowing for ventilation of the existing car park below. The upper floor would be an A1/A3 unit which is accessed from

both the plaza or Queensway; from the ground floor. In between this kiosk and office building a set of stairs would be created to provide a further access to the plaza.

7.1.3 Internally, at level 0 which is at Cambrian Road level, the existing Wetherspoons would be retained and a service area for the office use would be created in the new part of the proposed building adjacent to it. The service area would provide areas for bike storage, bins, utilities and showers. It would be accessed from Cambrian Road. At ground floor, from Queensway, the new building would incorporate an entrance foyer. At first floor there would be a void over the entrance foyer and stairs and lift shafts to the upper floors. The first floor above the Wetherspoons would be a flexible A1/A2/A3/B1/D1 use with access from the plaza. Floors 2 to 6 would be office use, each floor would have a generally column-free internal space, with a centralised core of stairs, lifts and toilets. This would allow the building to be let by floorplate or sub-divided to meet market demand. The applicant has not stated if there is an end user secured.

7.2 **Planning History**

7.2.1 Cambrian Centre has been the subject of four major redevelopment proposals in the last 12 years. In November 2004 planning permission (04/0942) was granted for the erection of a multi storey car park, hotel, residential building and offices. A new hotel fronting Queensway was granted over six floors; an office development on six floors, six floors of multi storey car parking providing 720 spaces and a residential block of 27 storeys in height was also granted. This consent was not implemented and has now lapsed.

7.2.2 Following this application a further scheme was submitted and approved in August 2007, this development was termed "City Spires". This scheme was a revision of the 2004 permission involving a new hotel fronting onto Queensway over seven floors below a 22 storey residential tower. An office tower on nine floors above retail units on the ground floor, six floors of multi storey car parking providing 880 spaces above retail on the first two floors was also granted. This scheme involved significantly more retail use than the previous scheme and the massing and height of building was significantly larger. This consent was also not implemented and has lapsed.

7.2.3 In October 2010 an outline application was approved for retail, leisure, a bus interchange, car parking and associated public realm. The scheme was far reduced from previous schemes largely due to the omission of the residential elements. This scheme focused on the provision of a large retail unit. The consent has not been implemented.

7.2.4 In April 2012 consent was granted for phase 1 of the redevelopment of Cambrian Centre. It involved the partial demolition of the existing Cambrian Centre car park and two retail units. A 6 storey office building was constructed (the Admiral building) and five retail units fronting a new public plaza. The car park was also rebuilt and reconfigured. This scheme has been fully implemented and the Admiral building occupied. The 5 retail units remain to be occupied.

7.2.5 The applications above, except for the 2012 consent, have previously involved proposals for tall buildings in the same location as this proposal. The 2004 consent included a 7 storey mixed use scheme of a hotel, A3 and A1 uses. The 2006 consent included an 8 storey building including a car park and retail units. The 2010 consent included a 7 storey office building. As such there have been a series of past permissions allowing buildings of a similar scale to the one currently proposed.

7.3 **Principle of development**

Policy SP18 (Urban Regeneration) states that proposals will be favoured which assist the regeneration of the urban area, particularly where they contribute to:

- i) the vitality, viability and quality of the environment of the city centre;
- ii) the provision of residential and business opportunities within the urban area;
- iii) reuse of vacant, underused or derelict land;
- iv) encourage the development of community uses where appropriate.

- 7.3.1 Policy R1 (City Centre Schemes) states that redevelopment scheme or other proposals to enhance the provision of retail facilities within the city centre shopping area will be favoured provided that the scale, design and layout of the proposals are compatible with the overall functioning of the city centre, its architectural character and visual environment.
- 7.3.2 The remaining parts of the Cambrian Centre are considered to be tired and do little to enhance this part of the city centre. It is considered that an improved environment and modern facilities will compliment other developments such as the refurbishment of the former Yates building (54-55 High Street) to a hotel which is to the north east of the application site.
- 7.3.3 The proposed development is considered to build upon the opportunities created by the phase 1 development. The scale and design of the building is similar to that of the Admiral building to the west, as such the proposed development would read as a comprehensive redevelopment of the wider site. It is considered that further office use would encourage the up take of the currently vacant retail units fronting the plaza. It is also considered that the proposed A1/A3 use on the first floor of the building and the kiosk building, which both have frontages onto the plaza, would improve the viability and vitality of this part of the city centre. A vibrant environment in this key location opposite the railway station is considered to be highly appropriate.
- 7.3.4 Although difficult to predict accurately the applicant has suggested that around 500 jobs would be created within the proposed development. Increased job provision would compliment and enhance the retailing function and other services within the City Centre and provide increased footfall.

7.4 ***Retail Impact***

The proposed development would provide a potential 796 m² of additional floorspace. In terms of this additional provision the Welsh Government's objectives for retailing and town centres, as set out in Planning Policy Wales (Edition 8), are to promote established town, district, local and village centres as the most appropriate locations for retailing, leisure and other complementary functions. The co-location of retail and other services in existing centres, with enhancement of access by walking, cycling and public transport, to provide the opportunity to use means of transport other than the car, will provide the greatest benefit to communities. This complementary mix of uses should also sustain and enhance the vitality, attractiveness and viability of those centres as well as contributing to a reduction of travel demand. The City Centre is the sequentially preferable location for any retail development, and this scheme is therefore fully policy compliant in this respect.

- 7.4.1 Policy R1 refers to redevelopment schemes and states that such schemes involving enhanced provision of retail facilities will be favoured within the City Centre shopping area, provided that the scale, design and layout of the proposals are compatible with the overall functioning of the city centre and the visual environment. It is considered that the proposed mix of uses (A1 and A3) would enhance the vitality of the surrounding area and would improve the viability of the existing units within the centre. The provision of a well populated office building, in a sustainable location close to good public transport links, is likely to increase the overall footfall within the City Centre which would enhance its retail functioning and vibrancy.

7.5 ***Design***

Policy GP6 (Quality of Design) states that good quality design will be sought in all forms of development. The aim is to create a safe, accessible, attractive and convenient environment. The following principles should be addressed:

- i) all development should be sensitive to the unique qualities of the site and respond positively to the character of the area;
- ii) all development should maintain a high level of pedestrian access, connectivity and laid out to minimise noise pollution;
- iii) where possible development should reflect the character of the locality, creativity and innovation is also encouraged;

- iv) over scaled development should be avoided;
- v) high quality, durable and preferably renewable materials should be used to complement the site context;
- vi) new buildings should be inherently robust, energy and water efficient.

7.5.1 The proposed development is considered to be of good design quality. It compliments the existing Admiral building to the west, using a similar design approach and palette of materials. The office building would provide good active frontage from all sides and in particular a much needed frontage onto Queensway. The proposal also creates the opportunity to refurbish the façade of the existing Wetherspoons building. The proposal would provide an additional pedestrian access from Queensway on the plaza, which builds upon the existing pedestrian permeability through the site.

7.5.2 The applicant has also stated that the proposed development would be Part L (Building Regulations) compliant, the design would result in ample access to natural light, there would be low water use appliances and materials would be A or A+ (BRE Green Guide) rated, ensuring durability and robustness. In order to allow flexibility over the choice of materials and to ensure high quality materials are chosen a materials condition is recommended.

7.6 ***Historic Character and Environment***

The application site is located adjacent to the Town Centre Conservation Area and a number of listed buildings. Therefore any development would need to have special regard to the historical and architectural interests and character of the buildings and area. Following the submission of a visualisation of the view of the proposed building looking north along Cambrian Road the Council's Historic Buildings and Conservation Officer has commented that when viewed in the context of Cambrian Road, the proposed building seems excessive in scale, and is likely to dominate. However, effort has been made to provide an elevational treatment which respects the rhythm of the street, providing a richness of architectural detail and a sense of proportion which respects nearby historic buildings. Given the poor quality of the existing building on the site and these mitigating factors, it is considered that the impact on the adjacent conservation area and the setting of nearby listed buildings will be moderate, but still adverse. However, this impact seems likely to be outweighed by the positive benefits of the scheme.

7.7 ***Transport, Access and Servicing***

Policy GP4 states that development proposals should:

- i) provide appropriate access for pedestrians, cyclists and public transport in accordance with national guidance;
- ii) be accessible by a choice of means of transport;
- iii) be designed to avoid or reduce transport severance, noise and air pollution;
- iv) make adequate provision for car parking and cycle storage;
- v) provide suitable and safe access arrangements;
- vi) design and build new roads within private development in accordance with the highway authority's design guide and relevant national guidance;
- vii) ensure that development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network.

7.7.1 The proposed development is located within Parking Zone 1 and as such there is no requirement to provide any dedicated parking spaces. The development would provide space for 52 bicycles which exceeds the requirements set out in the Parking Standards Supplementary Planning Guidance. There are also showers proposed which would further encourage the use of cycles. The proposed development would be located in a sustainable location with convenient and easy access to the railway station, bus station and bus stops. To ensure the development takes advantage of its sustainable location a condition is recommended requiring the submission of a travel plan, this is also recommended by the Head of Streetscene and City Services (Highways).

- 7.7.2 The applicant has submitted a Transport Statement which assesses the various modes of transport available in this city centre location. It concludes that the proposed development, when operational, would have an immaterial impact on the existing highway system. A copy of the Transport Statement has been made available to the Head of Streetscene and City Services (Highways) and no further comments have been raised.
- 7.7.3 The Head of Streetscene and City Services (Highways) has commented that the new stair access to the plaza would not be DDA (Disability Discrimination Act) compliant and that the only compliant access to the plaza are two lifts which is not acceptable. The comments of the Highways Engineer are noted however, there are currently two lifts to the plaza, one from Queensway adjacent to the steps by the Admiral building and another from the old entrance to the Cambrian Centre, off Cambrian Road. The proposed development would include lift access to the plaza level within the kiosk building and the office building would also have lift access to the plaza level.
- 7.7.4 The Highways Engineer also comments that it is reluctantly accepted that the loss of the service yard would mean the plaza units would be serviced from Cambrian Road however, the proposed development should include off street provision for all servicing and refuse collection. The comments of the Highways Engineer are noted however, it was previously accepted within the Transport Assessment for the phase 1 development (12/0105 – Admiral building, plaza and retail units) that servicing would be undertaken via a lift to be accessed from Cambrian Road.
- 7.7.5 In terms of the proposed development the applicant has commented that the only feasible service access would be from Queensway, essentially replacing the existing ramp up to the existing service yard. They understand from previous discussions that the existing access is not considered to be ideal due to the crossover with the bus movements and pedestrians along Queensway and the general nature of this main road. They also noted that the demands of office uses against retail are much less. Whilst it is acknowledged that the ideal scenario would be for servicing to be undertaken off street within the development however, this would be at the expense of providing an active frontage and focal entrance point along Queensway. The proposed development would result in a more pedestrian friendly environment and great improvement to the visual appearance of Queensway which is a principal route through the city. Servicing is currently permitted along Cambrian Road and the proposed development has been designed with this in mind, with access to bins, fire escape and utilities from the Cambrian Road elevation. Given that servicing is available, albeit on street, it is considered on balance that the benefits of the improved Queensway frontage and improved pedestrian environment out weight those concerns raised regarding servicing.
- 7.7.6 The Highways Engineer has raised concern that the submitted drawings show all external doors opening outwards onto the public highway which is considered to be unacceptable. The applicant has now shown these doors to open inwards with the exception of doors to a substation. The applicant states that these doors would be used infrequently and this is considered to be acceptable.
- 7.7.7 The Highways Engineer comments that part of the existing vehicular access into the existing service yard is public highway. As the proposed development would be constructed over part of the public highway then the highway rights over this access would need to be stopped up. The applicant would need to apply for permission from Welsh Government to do this should planning permission be granted.
- 7.8 **Public Health and Amenity**
The application site is predominantly surrounded by commercial buildings. There are some residential uses on the upper floors of buildings along Cambrian Road but these are at the southern end and far enough away from the application site to be unaffected. The Head of Law and Regulation (Environmental Health) has no objection to the proposed development subject to conditions requiring the submission of a Construction Environmental Management Plan, details of opening hours, restriction on noise from plant and equipment,

details of fume extraction equipment, maintenance of fume extraction equipment and details of sound insulation if amplified music is to be played anywhere. These conditions are attached.

7.9 **Archaeology**

The Glamorgan Gwent Archaeological Trust has commented that the application area is situated within the Archaeologically Sensitive Area of Newport. The Trust advise that whilst the proposed development is located inside the medieval town of Newport an archaeological watching brief was conducted during the construction of the Cambrian Centre in the 1980s which noted no evidence of any surviving medieval remains. The conclusions of the watching brief was that Victorian redevelopment of this area had destroyed any evidence of the medieval settlement. Therefore it is unlikely that archaeological remains survive in this area and so there is unlikely to be an archaeological restraint to this proposed development. The Trust confirm they have no objection to the proposed development.

7.10 **Impact on River Usk (SAC): Appropriate Assessment**

The River Usk is designated as a SAC as it supports the species of Allis Shad, Twaité Shad, Bullhead, River Lamprey, Brook Lamprey, Sea Lamprey, Atlantic Salmon and Otter. The conservation objectives of the River Usk SAC are attached in **Appendix A**.

7.10.1 The River Usk is considered one of the best examples of a near natural river system in England and Wales. The range of plants and animals reflects a transition from nutrient poor to naturally rich. It was notified to protect a wide range of habitats and features. It also acts as an important wildlife corridor, an essential migration route and a key breeding area for nationally and internationally important species, including otter.

7.10.2 The application site is located around 260m from the River Usk, with built development within the intervening distance. As such it is not considered that there would be any direct or indirect impact on otters. The applicant proposes to discharge both surface water and foul drainage to the public sewer. Given the method of disposal proposed and the distance of the application site from the river it is not considered necessary to impose any controls over the drainage arrangement in so far as it would relate to the protection of the SAC (a condition is recommended requiring drainage details in the interests of the public sewerage system).

7.10.3 The Council's Environmental Health Officer has not advised that contamination is an issue which should be investigated; as such it is not considered necessary to impose any conditions requiring contamination investigation and remediation. The separation of the site from the river means that impacts from noise and vibration are unlikely to be a factor.

7.10.4 This appropriate assessment has considered any likely impacts the development would have on the River Usk (SAC) during both the construction and operational phases. It is not considered that the proposed development would result in an adverse effect on the River Usk (SAC).

8. **OTHER CONSIDERATIONS**

8.1 **Crime and Disorder Act 1998**

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

8.2 **Equality Act 2010**

The Equality Act 2010 identifies a number of 'protected characteristics', namely age;

disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

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

9. CONCLUSION

9.1 The proposed development is considered to be acceptable and is in accordance with policies SP1, SP9, SP18, SP19, GP2, GP4, GP6, GP7, CE6, CE7, T4 and R1 of the Newport Local Development Plan 2011-2026. It is considered that the proposed development would make a significant and positive contribution to the regeneration of the City Centre. The proposed office accommodation would be a major addition to the current poor stock of modern office facilities in the City Centre in a sustainable location. The office development and kiosk building would provide a welcome focus of activity along Queensway. Together with the potential creation of around 500 jobs in a sustainable city centre location the proposed development is considered to compliment and enhance the other City Centre regeneration developments such as Friars Walk and the Market improvements, as well as increasing City Centre footfall to potentially benefit local businesses. It is therefore recommended for approval subject to the following conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents A-00-01, 02, 03, 04, 05, 06, 10, 11, 12, 13, 14, 15, 16, 17, 18, A-01-01, A-02-01, SK-160517 and Transport Statement (Jubb, March 2016).

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 construction or demolition shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:

- storage and contractor parking;
- temporary traffic management;
- delivery routes;
- delivery times;
- noise and vibration mitigation;
- dust mitigation and;
- wheel washing facilities.

The development shall take place in accordance with the approved plan.

Reason: In the interest of public and highway safety.

03 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development. 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.

Pre – construction conditions

04 Notwithstanding the approved plans, prior to the construction of each building details of all external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details.

Reason: To ensure development takes place in a satisfactory manner and in the interests of visual amenity.

Pre –occupation conditions

05 Prior to the first use of the office/education building, a travel plan relating to the operation of that building shall be submitted to and agreed in writing by the Local Planning Authority. The approved travel plan shall then be fully complied with.

Reason: In the interests of highway safety and securing a sustainable development.

06 Prior to first beneficial use of the A1 or A3 uses, details of opening hours shall be submitted to and approved in writing by the Local Planning Authority. The use 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 amplified music being played in any room, the room shall be insulated for sound in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The approved means of insulation shall be retained thereafter in perpetuity.

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

General conditions

08 The rating level of the noise emitted from fixed plant and equipment located at the site shall not exceed the existing background level at any premises used for residential purposes when measured and corrected in accordance with BS 4142: 2014.

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

09 Fumes from the food preparation areas shall be mechanically extracted and the extraction system shall be provided with de-greasing and de-odorising filters. Details of the extraction 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.

10 The extraction equipment shall be regularly maintained in order to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning authority

NOTE TO APPLICANT

01 This decision also relates to: Supporting Planning Statement (Zerum, March 2016), Travel Plan (Jubb, March 2016), Visualisation looking North along Cambrian Road and Design and Access Statement (Holder Mathias Architects, March 2016).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, SP18, SP19, GP2, GP4, GP6, GP7, CE6, CE7, T4 and R1 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 Newport Parking Standards Supplementary Planning Guidance (Adopted August 2015) was relevant to the determination of this application.

05 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

APPLICATION DETAILS

No: 16/0425 **Ward:** VICTORIA, LLISWERRY

Type: FULL

Expiry Date: 07-AUG-2016

Applicant: F PUTZY, NEWPORT NORSE

Site: BRIDGE TRAINING CENTRE, WILLENHALL STREET, NEWPORT, NP19 0EW

Proposal: EXTERNAL ALTERATIONS TO BUILDING FACADES, CHANGES TO PARKING LAYOUT AND PROVISION OF OUTDOOR CHILDRENS PLAY AREA

Recommendation: Granted with Conditions

1. INTRODUCTION

- 1.1 This application seeks full planning permission for external alterations to building facades, changes to parking layout and provision of outdoor childrens play area together with other minor alterations at the Bridge Training Centre, Willenhall Street.
- 1.2 The site is owned by the Council.

2. RELEVANT SITE HISTORY

99/1229	USE OF PROPERTY AS TRAINING CENTRE WITHIN CLASS D1	Granted with Conditions
01/0053	ERECTION OF REPLACEMENT SECURITY FENCING	Granted with Conditions
06/0086	ALTERATIONS TO FRONT ELEVATION TO PROVIDE NEW GLAZED SCREEN/WALL AND REPOSITIONING OF EXISTING ROLLER SHUTTER	Granted with Conditions

3. POLICY CONTEXT

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

Policy SP3 Flood Risk ensures development is directed away from flood risk areas.

Policy SP12 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.

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

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

Policy GP5 General Development Principles – Natural Environment states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.

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

4. CONSULTATIONS

4.1 NATURAL RESOURCES WALES: The application site lies partially within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Usk, a designated main river. Given the scale and nature of the proposed development (and in the absence of a flood consequence assessment) we consider the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development.

4.2 NEWPORT ACCESS GROUP: No response.

4.3 DWR CYMRU – WELSH WATER: Request a drainage condition.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): Based upon the information submitted I am satisfied that sufficient off street parking will be available and would therefore offer no objection to the application.

5.2 HEAD OF STREETSCENE AND CITY SERVICES (TREES): Requests conditions are imposed for the protection of trees.

5.3 HEAD OF LAW AND REGULATION (NOISE): No objection.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (38no properties). One response received objecting to the proposals on the following grounds:
-A park play area will inflict on the neighbour's views and any noise will set his dogs off causing a nuisance to neighbours;
-The neighbour has been refused planning permission on two occasions.

7. ASSESSMENT

7.1 The facility will be used by Newport City Council flying start team for the delivery of flying start provision in the Maindee Ward to replace the facility currently delivered from their premises in Eton Road which have been condemned. The facility will provide 2 dedicated play rooms which will accommodate up to 24 children each below 4 years of age and a crèche for up to 16 children (aged 2). The facility will include 2 training rooms which will be used to deliver parenting courses to parents whose children attend the crèche. The facility will also include a small office that will be used by both flying start staff based at the facility and health visitors. The building has a D1 use and this application relates only to the proposed external changes.

7.2 The proposals comprise mainly minor alterations and reconfiguration of the site as follows:

- Extension and formalisations of hardstanding to front of unit for additional parking;
- Erection of external canopy to the rear of the building measuring 4m in depth, 7.3m in length and 3.2m in height;
- Erection of external canopy to the side of the building measuring 4m in depth, 12m in length and 3.2m in height;
- Rainwater canopies above entrance doors;
- Children's safe play area with protective fencing, woodland area and planting beds;
- Replace roller shutter door with windows and general reconfiguration of openings on the building;
- Erection of steel fencing within the site to divide play area from parking area.

7.3 **Design**

The existing building is somewhat dated and has a semi-industrial appearance. The proposals are considered to represent improvements to the existing building and surrounding site and will be of benefit to the visual amenity of the area.

7.4 **Amenity**

Whilst described as a play area, this area would not contain large plant equipment. In any case this area is located to the rear of the building over 30m away from the nearest residential property and over 70m away from the objector's property with the existing training centre building separating the two. This is predominantly a daytime community use.

7.5 It is considered that the proposals would not result in a loss of amenity to neighbours.

7.6 Loss of view is not a material planning consideration.

7.7 **Highways**

The Head of Streetscene (Highways) has been consulted and has confirmed that he is satisfied with the level of parking provision to be provided and offers no objections to the proposals.

7.8 **Trees**

There are trees at the site. The Council's Tree Officer has been consulted and confirms no objections are offered subject to tree protection conditions.

7.9 **Flooding**

The application site lies partially within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004).

7.10 NRW advise that their Flood Map, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Usk, a designated main river. However, they confirm that given the scale and nature of the proposed development (and in the absence of a flood consequence assessment) they consider the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development.

7.11 The Council must also consider the flood risks only as the use of the building is lawful. In view of the scale and nature of the proposals which relate to minor external changes, officers are of the view that the proposals would not result in any greater risk to life in terms of flooding.

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 alterations are considered to constitute improvements to the appearance of the building and will facilitate bringing this vacant urban building back into community use. It is considered that the proposals would not result in a detrimental impact to highway safety.

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

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: NPS-PL-00-DR-A-(00)020 Rev P6, NPS-EL-00-DR-A-(00)-030 Rev P0, NPS-PL-00-DR-A-(00)-003 Rev P0.

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, to include demolition, shall commence until a Tree Protection Plan (in accordance with BS 5837:2012) has been submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall contain full details of the following:-

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

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

Reason: To protect important landscape features within the site.

03 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 with the development until the Root Protection Barrier fencing has been installed in accordance with the approved Tree Protection Plan. No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area.

Erect all weather notices on Heras fencing, 1 per 10 panels, stating ' CONSTRUCTION EXCLUSION ZONE NO ACCESS'

The fencing shall be retained for the full duration of the development, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To protect important landscape features within the site.

04 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 in relation to the approved development;
- (b) Construction exclusion zones;
- (c) Protective barrier fencing;
- (d) Ground protection;
- (e) Service positions;
- (f) Special engineering requirements including 'no dig construction';
- (g) .

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.

05 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 Protection Plan;
- (b) Supervision and monitoring of the approved tree felling and pruning works;
- (c) Supervision of the alteration or temporary removal of any Barrier Fencing;
- (d) Oversee working within any Root Protection Area;
- (e) Reporting to the Local Planning Authority;
- (f) 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.

General conditions

07 Except where otherwise agreed in writing by the Local Planning Authority, no existing trees shall be felled, topped or lopped, and no existing hedges shall be removed.

Reason: To protect existing landscape features on the site.

08 No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

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

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP3, SP12, GP2, GP4, GP5 and GP6 were relevant to the determination of the application.

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

03 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.

04 On behalf of Natural Resources Wales the developer is advised to consider the incorporation of flood resistance/resilience measures into the design and construction of the development. NRW refer the applicant to their website for further advice and guidance available here: <http://naturalresourceswales.gov.uk>. The developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', which is available from the Planning Portal website: www.planningportal.gov.uk.

APPLICATION DETAILS

No: 16/0349 **Ward:** CAERLEON

Type: FULL

Expiry Date: 06-JUN-2016

Applicant: J BURGESS-GOULD

Site: CWTCHDOWN, 25, POLLARD CLOSE, CAERLEON, NEWPORT, NP18 3SS

Proposal: CHANGE OF USE OF PART OF DWELLING TO DAY SPA AND TWO BEDROOMS OF BED AND BREAKFAST ACCOMMODATION WITH ASSOCIATED PARKING LAYOUT ALTERATIONS

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

1.1 This application seeks full planning permission for the change of use of part of a dwelling to a day spa and two bedrooms of bed and breakfast accommodation with associated parking layout alterations at Cwtchdown, 25 Pollard Close in the Caerleon Ward.

2. RELEVANT SITE HISTORY

09/0851	ERECTION OF 16NO. DETACHED DWELLINGS AND ASSOCIATED EXTERNAL WORKS	GRANTED WITH CONDITIONS
14/1064	ERECTION OF DETACHED DWELLING (AMENDMENT TO APPLICATION NO. 09/0851)	GRANTED WITH CONDITIONS

3. POLICY CONTEXT

3.1 The Newport Local Development Plan 2011-2026 (adopted January 2015) is relevant to the determination of this application.

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

The adopted *Parking Standards 2015* supplementary planning guidance is also relevant to the determination of the planning application.

4. CONSULTATIONS

4.1 CAERLEON CIVIC SOCIETY: No objection.

4.2 DWR CYMRU/WELSH WATER: No objection.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF LAW AND REGULATION (POLLUTION): No objection subject to the use of planning conditions to restrict the business use to that proposed by the applicant.

5.2 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): Object due to lack of parking and turning facilities within the application site. 8 off-street parking spaces with independent access and turning facilities are required and the applicant can only accommodate 6 with no turning facilities and with some spaces being in tandem.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (8 properties).

- Two letters were received from neighbouring occupiers. The first letter from the occupiers of 3 Priory Close raised an objection as Trinity View is a residential area with large family homes and a change of use to a day spa and bed and breakfast is completely outside of what anyone living in the area expects. A further objection is raised as the occupier of 3 Priory Close has a covenant on their property restricting business uses. It is also stated that the house is in a built up area with lots of families and is overlooked so the proposal is inappropriate and out of keeping with the area.

- The second letter is from the occupiers of 23 Pollard Close who raise several concerns as the neighbours to the application property. The area is residential and the introduction of a business use would have a detrimental impact on the value of surrounding property. A change of use to a full business use is not supported. However, the limited scope of the proposed business is not objected to providing the Council can provide the necessary audit/checks:

1. Max 2 spar days per calendar month – not accumulated.
2. B+B service usage based on residential status of street.
3. Spa usage 12pm to 6pm.
4. All car parking within the boundaries of the property.
5. No noise or music to be played in outside areas associated with Spa/B+B – garden/balcony.
6. No external physical advertising on the property for spa and b+b – maintaining the residential aspect of the street.
7. Under no circumstances should the spa or B+B offer be staffed, the proprietor must be in attendance at all times.
8. Exit of the property is along a shared drive, due care and attention should be given to ourselves and Hill Croft bungalow. No blockage or damage will be acceptable.
9. The planning assessment decision should only be applicable to the current owner and not transferable by sale or any other mechanism.

6.2 COUNCILLOR CLIFF SULLER: Requested that the application be decided by planning committee if officers were minded to approve due to concerns regarding a business use being established in a residential area.

6.3 COUNCILLOR GAIL GILES: Requested that the application be decided by planning committee due to concerns over lack of parking.

7. ASSESSMENT

7.1 The property is a modern detached domestic dwelling constructed within the last few years. It is set within a curtilage comprised of a front garden with large driveway and a private rear garden. The property has been constructed on a hill so the rear garden is a storey lower

than the driveway. The property was constructed as part of a wider housing development of similarly designed detached domestic properties. It is located at the eastern end of Pollard Close accessed via a small shared driveway that serves the application property and two other neighbouring dwellings.

- 7.2 At lower ground floor level the existing house features a domestic spa with a swim spa pool, a hot tub, sauna and a shower, next to which is a lounge area, kitchen, utility room and laundry area. The proposal is to change the use of the lower ground floor to allow for up to two commercial spa bookings per month (for groups of no more than 8 people). Two of the four bedrooms at the property are also proposed to be used as occasional bed and breakfast accommodation. The parking area at the property would be altered to provide 6 off-street car parking spaces.
- 7.3 The Head of Law and Regulation (Pollution) raised some initial concerns regarding the potential for the business use to impact on neighbouring residential amenities (particularly impacts caused by associated noise and disturbance). Following a detailed description of the proposed business use from the applicant no further objection has been made subject to the use of planning conditions to restrict the future growth of the business uses at the premises. The hours of use of the day spa are proposed to be between 10am and 8pm. The applicant states that it is unlikely that bookings would exceed 4-6 hours and are unlikely to be for groups of 8 people (as smaller groups are likely to be more common). The use of outside areas would only be for lunch and on days when the weather permitted it, given the nature of the day spa business (for relaxation and therapy) no loud music would be played either within the spa or outside areas of the house (but could be under the existing domestic use of the property without restriction). As such it is considered that a planning condition restricting hours of use to those proposed by the applicant would be reasonable and necessary to limit any potential impacts on neighbouring residential amenities over and above those currently expected to be experienced under the existing use.
- 7.4 There is some potential that, should the property be booked for a group in the spa and the two bed and breakfast rooms booked, there could be an increase in noise and disturbance from increased comings and goings and use of outside areas. It is proposed to restrict the overlap of the bed and breakfast and day spa use so that the B&B rooms must be unoccupied on any day that a commercial spa booking is taking place, unless the guests are part of the spa group. This would reduce noise and disturbance that would be linked to comings and goings and combined with the operating hours restriction placed on the day spa would reduce any potential for activities outside of the property. The condition(s) would require the applicant to keep a written log of all commercial spa bookings and B&B bookings to be inspected at any time by the local planning authority. Subject to conditions the proposal is considered to be in accordance with policy GP2 of the NLDP. A secondary effect of restricting any overlap between the B&B rooms and day spa would be that parking demand would be reduced.
- 7.5 The Head of Streetscene and City Services (Highways) has objected to the proposed change of use due to lack of off-street parking, that the proposed parking spaces could not be independently accessed and that no turning facilities can be provided within the site. The Highways Engineer has requested that 8 off-street parking spaces are provided with at least 6 (serving the spa and B&B uses) being independently accessible. The applicant has provided a parking layout plan showing that 6 spaces can be provided (with some in a tandem arrangement so could be blocked). It is acknowledged that without any restrictions there would be a parking deficit on any day that the day spa and B&B rooms were booked, based on the *Parking Standards* SPG calculation. However, based on the applicants proposed use and restrictive planning conditions that can be used it is not considered that there would be any frequent occasions when 8 off-street parking spaces would be required. On days when the B&B rooms are fully booked 4 off-street parking spaces would be required (1 per B&B room and 2 for the remaining domestic bedrooms). On days when a group of 8 people was booked into the day spa 6 off-street spaces would be required (which the applicant can accommodate within the site).

- 7.6 Under the current domestic use there is no restriction (other than the physical and topographical restrictions within the site) to the amount of cars that can be parked on the drive. The applicant has provided a photograph showing 7 cars parked within the existing parking area. This would mean that cars would need to be manoeuvred out of the way in order for some vehicles to be able to access and egress the site, but on occasions when the parking demand would be highest (spa booking days) and owners of the vehicles would know each other and would be likely to be arriving and leaving at similar times. The small private drive outside of the site could be used for turning before vehicles accessed onto the public highway (also adjacent to a turning area with the highway). Any blocking of access to the two neighbouring houses that share the private drive is unlikely to be frequent so would not cause significant harm to neighbouring amenities or highway safety. As such it is unreasonable to conclude that the proposed business use would result in harm to highway safety due to lack of parking or turning facilities.
- 7.7 The applicant states that no members of staff would be employed and the proposed business use would only be operated by the current occupiers of the house. A planning condition can be used to prevent any additional members of staff being employed and to secure that the business is only operated by the occupiers of the property. There is some potential that deliveries could be made to the property linked to the business use (afternoon tea is offered with spa bookings which under a current arrangement would be collected from a café in Caerleon district centre). Similarly some beauty therapy services may be offered (provided by a beautician currently located within Caerleon district centre), but these would be limited to the two days per month. Any additional deliveries or services are likely to be infrequent and would not result in any significant increase over and above that reasonably expected to be linked to the domestic use of the property. Overall it is considered on balance that the proposal is in accordance with policy GP4 of the NLDP subject to planning conditions.
- 7.8 Policy GP7 states that development will not be permitted which would cause or result in unacceptable harm to health. In this case the day spa business is unlikely to result in any harm to health of neighbouring occupiers or users. The one potential impact may be through additional traffic generated as a result of the business use. An Air Quality Management Area (AQMA) is located within Caerleon village additional traffic generated to and from the property is likely to have an impact on the AQMA. It is likely that traffic travelling to and from the property may travel through the Caerleon village AQMA, but due to the location of the property at the western side of Caerleon guests may also use Pillmawr Lane. In any case (as discussed above) any additional traffic generated is unlikely to be at a level exceeding that reasonably expected to be linked to a large 4 bedroom domestic property. Journeys to and from the existing property (by friends and family and deliveries linked to the domestic use) cannot be limited and the proposed business use would be limited to reduce any full business use being established. The impact on the AQMA in this respect is considered to be de minimis and would be acceptable.
- 7.9 Two letters were received from neighbouring occupiers. The first letter from the occupiers of 3 Priory Close (located over 200 metres away) raised an objection as Trinity View is a residential area with large family homes and a change of use to a day spa and bed and breakfast is completely outside of what anyone living in the area expects. As assessed above it is considered that the limited business use proposed by the application would have a marginal impact on neighbouring residential amenities and is acceptable subject to conditions restricting any future expansion. A further objection is raised as the occupier of 3 Priory Close has a covenant on their property restricting business uses. Covenants are not material planning considerations so do not have any bearing on planning decisions. It is also stated that the house is in a built up area with lots of families and is overlooked so the proposal is inappropriate and out of keeping with the area. The house is not particularly overlooked, it has a row of very tall trees along the eastern intervening boundary, has no property located directly to the north and is significantly raised in height from the development site to the south. Some overlooking may occur from the neighbouring property at 23 Pollard Close, but generally the property feels relatively private. It is acknowledged

that a change of use to a business use within the entire premises would be out-of-keeping with the area. However, the property will remain in domestic use for the majority of the time with only a limited element of business use and will retain the visual appearance of a domestic property. As such it would not be out-of-keeping with the wider area subject to the limitations provided by planning conditions.

- 7.10 The neighbouring occupier of 23 Pollard Close has raised some concerns with the establishment of a full business use at the property. As assessed above the limitations that can be provided through planning conditions would reduce any significant impacts to an acceptable level. Issues relating to the blocking or damage to the private driveway and house prices being reduced are not material planning considerations and cannot be controlled through planning legislation. It is requested that all cars are parked within the site. The 6 car parking spaces proposed can be secured through a planning condition, but if visitors to the property did choose to park on the public highway or on the shared drive this cannot be controlled through planning legislation (as is the existing situation). Finally it is requested that the planning decision be linked to the current owners of the property and should not be transferable to future owners of the property. Personal planning consents can sometimes be used, but only in exceptional circumstances. In this case since the proposed business use can be limited by conditions to ensure that it operates to an acceptable level it is not considered that other exceptional circumstances exist that would require a personal consent. The occupiers of the property would be the only people permitted to operate the business so in the event that the property was sold it would be sold with limiting planning conditions in place to protect the amenities of adjoining occupiers into the future. Additionally it is proposed to make the permission temporary for two years so that the impact of the business on the amenity of neighbouring occupiers can be assessed. In the event issues arise the permission will lapse and the use will end.

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 change of use of part of a dwelling to a day spa and two bedrooms of bed and breakfast accommodation with associated parking layout alterations by reasons of the scale and location would preserve residential amenities to neighbouring occupiers, would preserve highway safety and would not impact on the health of residents of the wider area.

9.2 The proposal is therefore in accordance with policies GP2, GP4 and GP7 of the Newport Local Development Plan (NLDP) 2011-2026 (adopted January 2015) and the adopted *Parking Standards 2015* supplementary planning guidance.

9.3 Planning Permission is recommended to be granted subject to the following conditions.

10. **RECOMMENDATION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Proposed Plan - Basement and Foundation Layout; Proposed Layout – Ground and First Floor; Proposed Elevations; Planning Statement – Cwtchdown 25 Pollard Close; Car Parking Layout 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 beneficial use of the Day Spa and Bed and Breakfast Rooms hereby permitted the six off-street parking spaces shall be provided fully in accordance with the approved plans. Any additional hard-surfaced areas required shall be constructed using porous or permeable materials or shall employ suitable drainage to direct surface water to a porous or permeable area within the curtilage of the property. Once laid out the six parking spaces shall be retained in that state thereafter.

Reason: To ensure adequate parking provision is available at the property in the interests of highway safety.

General conditions

03 The commercial Day Spa use hereby approved shall be limited to no more than two days during any calendar month (with one group booking per day) and shall cease to operate outside of the times of 10:00am and 8:00pm. Group bookings shall not exceed eight persons. A written log of all commercial Day Spa bookings (including dates, group numbers and individual names) shall be kept available to be viewed by the local authority at all times.

Reason: To ensure adequate off-street parking is available and in the interests of neighbouring residential amenities.

04 The Bed and Breakfast Rooms hereby approved shall not be occupied on any day that a commercial Day Spa booking is taking place, unless the guests form part of the Day Spa group booking. A written log of all commercial Bed and Breakfast guests (including dates and individual names) shall be kept available to be viewed by the local authority at all times. Reason: To ensure adequate off-street parking is available and in the interests of neighbouring residential amenities.

05 The commercial Day Spa use and Bed and Breakfast rooms hereby approved shall only be operated by the occupiers of the premises. No additional staff shall be employed in conjunction with the Day Spa or Bed and Breakfast uses.

Reason: To safeguard the amenities of occupiers of the neighbouring properties.

06 This permission shall be for a limited period expiring 2 years from the date of this approval. Thereafter the use approved by this permission shall be discontinued unless prior to that date an application for renewal has been granted.

Reason: To enable the Local Planning Authority to review the situation at the end of the temporary period in the interests of protecting the amenity of neighbours.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Proposed Plan - Basement and Foundation Layout; Proposed Layout – Ground and First Floor; Proposed Elevations; Planning Statement – Cwtchdown 25 Pollard Close; Car Parking Layout Plan; Site Location Plan.

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

03 The following supplementary planning guidance was adopted following consultation and was relevant to the determination of this planning application *Parking Standards 2015*.

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

APPLICATION DETAILS

No: 16/0349 **Ward:** CAERLEON

Type: FULL

Expiry Date: 06-JUN-2016

Applicant: J BURGESS-GOULD

Site: CWTCHDOWN, 25, POLLARD CLOSE, CAERLEON, NEWPORT, NP18 3SS

Proposal: CHANGE OF USE OF PART OF DWELLING TO DAY SPA AND TWO BEDROOMS OF BED AND BREAKFAST ACCOMMODATION WITH ASSOCIATED PARKING LAYOUT ALTERATIONS

1. LATE REPRESENTATIONS

- 1.1 A further representation has been received from Councillor Cliff Suller. The following points are raised:
- a. It is the Councillors opinion that this form of business does not fit well within this location.
 - b. The applicant states that it will be friends that will be mainly staying at this address. The Councillor questions the means of control to insure this is solely the case.
 - c. There is without a doubt insufficient parking.
 - d. The Councillor requests a site visit is undertaken to assess the total impact of the application on the surrounding area.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

2.1.1 Responses are as follows:

- a. The Officer Recommendation is satisfied that, subject to the imposition of restrictive planning conditions, the business uses proposed would not result in any significant or adverse impacts on neighbouring amenities or highway safety over and above those currently experienced under the existing domestic use.
- b. The applicant has not stated that friends will be mainly staying at the property. Friends and family can already stay at the property under the existing domestic use. The application is for a change of use to a mixed use of a domestic dwelling, a limited commercial Day Spa and for two B&B rooms (not for friends and family). Controls will be put in place through the use of restrictive planning conditions to limit the impact of the business use (as stated above).
- c. The Head of Streetscene and City Services (Highways) has objected due to lack of off-street car parking and on site turning facilities. The Officer Recommendation is satisfied that by controlling the frequency of the Day Spa use and by limiting overlap of the B&B and Day Spa use the impact on highway safety would be acceptable.

3. OFFICER RECOMMENDATION

- 3.1 The recommendation remains to grant permission subject to planning conditions as recommended within the Officer report.

APPLICATION DETAILS

No: 16/0042 Ward: PILLGWENLLY

Type: FULL (MAJOR)

Expiry Date: 15-MAR-2016

Applicant: S HUSSAIN, EUROFOODS GROUP LTD

Site: 170-172, COMMERCIAL ROAD, NEWPORT, NP20 2PL

Proposal: SUBDIVISION OF SUPERMARKET INTO TWO RETAIL UNITS AND CONVERSION OF OFFICES TO 5NO. APARTMENTS AND ERECTION OF THREE STOREY APARTMENT BLOCK COMPRISING 10NO. APARTMENTS AND ASSOCIATED PARKING AND ACCESS

Recommendation: REFUSED

1. INTRODUCTION

1.1 This application seeks full planning permission for the subdivision of a former supermarket (Kwik Save) into 2 No. retail units, the conversion of offices in a building to the rear of the former supermarket to 5 No. residential unit (5 x 1 bed) and the construction of a three storey apartment block providing 10 No. residential unit (6 x 1 bed and 4 x 2 bed). Alterations are also proposed to the existing car park adjacent to the former supermarket and the yard adjacent to the rear portion of the existing building.

2. RELEVANT SITE HISTORY

95/0234	PROPOSED LANDSCAPING SCHEME/CAR PARK REFURBISHMENT	Granted conditions	with
96/0763	EXTENSION TO EXISTING CAR PARK	Granted conditions	with

3. POLICY CONTEXT

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

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

Policy **SP13 Planning Obligations** enables contributions to be sought from developers that will help deliver infrastructure which is necessary to support development.

Policy **SP18 Urban Regeneration** supports development which assists the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land.

Policy **SP19 Assessment of Retail Need** sets out the retail hierarchy for where retail development should be located. 1. Newport City Centre; 2. A Defined District Centre; 3. Local Centres; 4. Out of Centre.

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

Policy **GP4 General Development Principles – Highways and Accessibility** states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be

detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.

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

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

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

Policy **H4 Affordable Housing** sets out the affordable housing targets for the four submarket areas within Newport. For new housing sites of fewer than 10 dwellings within the settlement boundary, and fewer than 3 dwellings within the village boundaries, a commuted sum will be sought.

Policy **H6 Sub-division of Curtilages, Infill and Backland Development** permits such development only where it does not represent an over development of the land.

Policy **H8 Self Contained Accommodation and Houses in Multiple Occupation** sets out the criteria for subdividing a property into self-contained flats. The scheme must be of appropriate scale and intensity not to unacceptably impact on the amenity of neighbouring occupiers and create parking problems; proposals must not create an over concentration in any one area of the city; and adequate noise insulation is provided and adequate amenity for future occupiers.

Policy **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.

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

Policy **R6 Retail Proposals in District Centres** defines the District Centres and notes that improved shopping facilities will be favoured in and adjacent to the Centres (only WITHIN Newport Retail Park) provided that the scale is appropriate; no adverse impact on the vitality and viability of the City Centre; the proposal is fully accessible; and satisfactory parking is provided.

4. CONSULTATIONS

- 4.1 WORK BASED LEARNING ACADMEY: No response.
- 4.2 SOUTH WALES FIRE AND RESCUE SERVICE: No response.
- 4.3 REGIONAL AMBULANCE OFFICER: No response.
- 4.4 PILLGWENLLY COMMUNITIES FIRST: No response.
- 4.5 NEWPORT CIVIC SOCIETY: No response.
- 4.6 NATURAL RESOURCES WALES: No objection. We note the bat report submitted in support of the above application 'Bat Survey – Commercial Road, Newport' prepared by Acer Ecology dated September 2015 has identified that bats were not using the application site. We therefore have no objection to the application as submitted. We note the precautionary measures on Chapter 6.0 – Recommendations and advise these are implemented.

Please note that we have not considered possible effects on all species and habitats listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan, or other local natural heritage interests. To comply with your duty under section 40 of the NERC Act, local planning authorities must have regard to purpose of conserving biodiversity and your decision should take account of possible adverse effects on such interests.

- 4.7 GWENT POLICE (ARCHITECTURAL LIAISON OFFICER): No response.
- 4.8 GWENT BAT GROUP: It is highly unlikely bats would be at all interested in these buildings.
- 4.9 DWR CYMRU – WELSH WATER: No objection subject to a condition requiring no surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage to be allowed to drain directly or indirectly to the public sewerage system. Also advise that no problems are envisaged with the waste water treatment plant for the treatment of domestic discharges from the site and no problems envisaged with water supply.
- 4.10 WESTERN POWER DISTRIBUTION: Advise of apparatus in the area.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF LAW AND REGULATION (ENV. HEALTH): Requests the submission of an acoustic survey which should identify any mitigation measures prior to determination. Also recommends conditions requiring details of opening hours, restriction on opening hours and plant noise and investigation and any mitigation of any unforeseen contamination.
- 5.2 PLANNING CONTRIBUTIONS MANAGER: The following S106 planning obligations are required to mitigate the impact of the development:

Affordable Housing

5 dwellings (30% of the development) would be required to be affordable housing (at no more than 50% of the Acceptable Cost Guidance).

Properties will be offered on a 'neutral tenure' basis providing opportunities for applicants to rent or part-purchase their home. The properties will be allocated through the Common Housing Register.

All properties shall be constructed to at least the same specification as the open market units, including all internal and external finishes. They will all achieve the Development Quality Requirement, Lifetime Homes Standards and Secure by Design as specified by Welsh Government or such document updating or replacing the same.

Education

Primary: The development is served by Pillgwenlly Primary School. Taking into account the scale and type of development and 'School Capacity', no contribution is required.

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

Leisure

Owing to the surplus of 'Informal' play provision within the Pillgwenlly Ward, no contributions are requested for 'Informal' play. However, there is a deficit of 'Equipped' and 'Formal' play. As such, the development generates a commuted sum of £24,199 to upgrade and maintain off-site 'Equipped' and 'Formal' play at Pillgwenlly Playing Fields.

The Leisure Sum will be index linked to the Retail Price Index and paid prior to occupation of the third dwelling.

- 5.3 HEAD OF STREETSCENE AND CITY SERVICES (LEISURE): No response.

- 5.4 HOUSING AND COMMUNITY REGENERATION MANAGER (AFFORDABLE HOUSING): The proposal is for the development of 15 apartments 11 one bed room and 4 two bedroom, therefore within policy there is the requirement for the delivery of on-site affordable housing. Most of the apartments are generously sized however some do not comply with the newly adopted SPG relating to space standards where a building conversion should achieve a space standard of 45 sq m and a new build 50 sq m for one bed room apartments.

I would welcome the opportunity to discuss with the developer the provision of on-site affordable housing, I would anticipate that the managing RSL would be Newport City Homes due to their management presence in the area. The properties would need to be transferred at 50% of ACG. Newport City Homes (NCH) estate is immediately adjacent to this site, and planning consent has already been granted for the redevelopment of this area. NCH have provided comments which the housing department fully supports, as they will assist in the comprehensive redevelopment of the area, and the significant improvements being proposed for local residents.

- 5.5 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): Objection. The applicant has proposed to provide a new access to the rear of the property and therefore it must be demonstrated that a visibility splay of 2.4 x 43m is achievable. Whilst the applicant has shown the y distance to be 43m, this distance has been measured to the centre of the road however it should be measured to the nearside kerb. The actual level visibility achievable will therefore be about 35.5m. Any reduction in the visibility requirements can only be considered following submission of a seven day automated speed survey which demonstrates the necessary 85th percentile speeds.

I would agree that a sustainability assessment justifies a reduction in the residential parking to 1 space per unit. The applicant should however also provide 3 visitor parking spaces within the site in accordance with the Newport Council Parking Standards. The applicant intends to provide these spaces on street however this will require the submission of a parking survey which demonstrates that sufficient space is available on street to accommodate these spaces at all times. The survey must cover a range of times, including evenings and weekends, and include evidence such as dates, times and photographs.

The two proposed retail units generate a demand of 21 spaces based upon a ratio of 1 space per 40sqm however the applicant has only proposed to provide 12 spaces.

Whilst I acknowledge that the delivery area already exists the applicant proposes to fence off this area and close up the access onto Francis Drive. The existing set up would likely allow vehicles to access and egress the site in a forward gear by using an 'in and out' setup. The proposal will result in delivery vehicles having to carry out reversing manoeuvres which is considered detrimental to highway safety.

The proposal will provide two retail units which, in accordance with the Newport Council Parking Standards, should have two commercial vehicle spaces each. Whilst it is appreciated that the delivery area is existing, it previously only served one unit and therefore retaining this area to serve two units is not considered sufficient.

- 5.6 CHIEF EDUCATION OFFICER: No response.

- 5.7 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): I do not object in principle to this application however I would like to clarify a few things in the Acer Ecology Bat survey report. Section 3.2.6 states that surveys were undertaken the 30th July and the 18th August, however the table contained in the same section states that the surveys were undertaken both in July. Could I clarify when the surveys were undertaken please. Also, the same section states that a dawn re-entry survey was undertaken. However, Appendix 4 states that 2 dusk emergent surveys were undertaken. Again could I clarify what survey was undertaken.

A house sparrow nest was identified during the survey as such I concur with the bat survey recommendations that any demolition/proposed works to the building/roof should be undertaken outside bird nesting season, therefore between September and February to prevent any impacts on nesting birds. I would also recommend that nesting opportunities be incorporated into the design of the building. This should be conditioned and details will need to be submitted and agreed with the NCC Ecology Officer.

A landscaping plan should also be conditioned.

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

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (109 properties), a site notice displayed and a press notice published in South Wales Argus. No response.

6.2 NEWPORT CITY HOMES:

Waste and refuse

- Given the mix of commercial and residential accommodation we would request that a robust refuse strategy should be in place detailing collection schedules. Refuse capacity for all properties should be made available in line with local authorities expectations. We can't stress this enough as fly-tipping and waste disposal is so problematic in the area.
- The provision for bin stores is not ideal and we question (1) whether residents would take their waste to the stores given the distance they have to travel to them and (2) whether NCC would find collection difficult? This especially given that access to the controlled parking area would be required in order to retrieve some of the bins.

Parking

- Access to the resident parking area must be robust. A barrier would not suffice.
- Customer parking - we would ask that customer parking is locked after permitted hours of operation otherwise this area will become a place to congregate etc. Again the barrier would have to be robust to prevent access.
- Lighting in resident and customer parking must be considered.

Boundary treatment

- Would very much welcome meeting with the applicant to go through NCH plans to see if we can look to ensure boundary treatments are at least complimentary.

Access to residential premises

- Would hope that latest technology will be used to allow access to visitor i.e. video link to each apartment.

Security

- Would hope that CCTV is provided for within the scheme

Property type

- Properties appear small in some instances but I'm sure they meet minimum spec however we do question the 1 bed (single bed) accommodation.

Despite the above points we are pleased to see a proposal for the site. Again we would very much like the opportunity to meet with the applicant to go through NCH plans and see how we can work together if at all.

7. ASSESSMENT

7.1 The application site includes a single storey building formerly occupied by Kwik Save on Commercial Road, the two storey stone building to the rear, the adjacent car park and a service

yard to the rear. It is located with the Commercial Road District Centre. There are no other designations.

7.2 **The proposals**

It is proposed to sub-divide the Kwik Save building into 2 No. retail units. The retail space currently extends to the ground floor of the stone building to the rear, it is proposed to retain this for each unit but with areas separated off for access to residential units on the first floor of the stone building, cycle and bin storage. It is proposed to service the retail units from the rear using the existing service yard. It is proposed to re-clad the walls and roof to the former Kwik Save building and create a new shop front. It is proposed to construct a new curved fascia which would extend to form a canopy, supported by posts, over the front of the retail units. This would also incorporate a roller shutter with new glazed shop windows sitting behind the canopy and shutters.

7.2.1 External alterations to the stone building include the re-opening of existing blocked windows and doors in all elevations. Two new windows are also proposed in the rear elevation along with four roof lights. Internally it is proposed to create 5 No. 1 bed flats, accesses off a central stairwell from Francis Drive.

7.2.2 Within the existing adjacent car park it is proposed to construct a three storey building which would have a frontage onto Commercial Road. Residential accommodation (6 No. 1 bed and 4 No. 2 bed) would be provided on the first and second floor. The ground floor would provide undercroft car parking for both the flats and retail units, cycle storage and access to the flats above. The remainder of the car park would be used for further parking for the flats in both the new building and the existing rear stone building; and for the retail units. Vehicular access to the residential parking spaces would be off Francis Drive via a new controlled entrance and access to the retail parking spaces would be off Commercial Road, utilising the existing access. 2m high wall and railings are proposed to secure the car parking areas and rear service yard. Landscaping is indicated in front of the proposed new building and partly along the boundary with the paved area to the south of the application site.

7.3 **Loss of employment floor space**

Policy EM3 states that 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.

7.3.1 The proposal would result in the loss of office space in the rear stone building. The applicant has not provided details of marketing however, it is noted that the offices have been vacant for many years. The Employment Land Review which was undertaken to inform the preparation of the Local Development Plan, states that there is between 7.5 and 9 years worth of supply of available office accommodation within Newport. There is currently an over-supply of second hand accommodation relative to demand, with a significant proportion located within the city centre. As such the loss of this office use is considered to be acceptable.

7.4 **Design**

The existing Kwik Save building does not have a positive impact on the character and appearance of the surrounding area. Refurbishment of this vacant property which occupies a large plot along Commercial Road is welcomed. There is concern that the proposal involves a roller shutter on its front elevation but there is no accompanying detail to indicate what design is proposed. This detail can be secured through a condition, although it should be noted that the Security Measures for Shopfronts and Commercial Premises SPG states that solid, pinhole or punched shutters are not normally acceptable in District Centres. It is likely that a grille/lattice design of shutter would be required.

- 7.4.1 In terms of the rear stone building few external alterations are proposed. Existing openings would be used and some additional windows and roof lights are proposed in its rear elevation. There is no detail on the design of the new windows or roof lights but this can be secured through a condition.
- 7.4.2 In terms of the new three storey building fronting Commercial Road it is considered to be of an appropriate design and scale, and would be a positive addition to the street scene, which would ultimately improve the overall character and appearance of the area.
- 7.4.3 2m high wall and railings are proposed to secure the car park and rear delivery yard. No details of the design of these boundary treatments have been submitted however, this detail could be secured through a condition.
- 7.5 **Residential Amenity**
Policy GP2 states that development will be permitted where:
- i) there will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;
 - ii) the proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;
 - iii) the proposal seeks to design out the opportunity for crime and anti-social behaviour;
 - iv) the proposal promotes inclusive design both for the built development and access within and around the development;
 - v) adequate amenity for future occupiers.
- 7.5.1 Policy H8 (Self Contained Accommodation and Houses in Multiple Occupation) also requires the scale of the building and the intensity of the use to not harm the character of the building and not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on street parking problems; it should also provide adequate noise insulation and adequate amenity for future occupiers.
- 7.5.2 The Flat Conversions SPG states that the following matters will be considered when assessing applications for flat conversions:
- the availability of on-street and off-street parking;
 - neighbours' living standards (with particular regard to noise and privacy);
 - future occupants' living standards (with particular regard to internal floor space, outdoor amenity space, parking, bin storage, bicycle storage and noise);
 - impact on the character and appearance of the building and the streetscape.
- 7.5.3 The New Dwellings SPG is also relevant which seeks:
- i) To ensure that occupants of new dwellings have reasonable living conditions;
 - ii) To ensure that new dwellings do not deprive persons in existing dwellings of reasonable living conditions; and
 - iii) To protect the character and appearance of the natural and built environments.
- 7.5.4 The surrounding area generally consists of commercial properties on the ground floor with residential uses above or just residential uses along Commercial Road. The exception to this is the adjacent church to the north of the application site. To the west of the application site is the housing estate of Alma Street, Francis Drive and Charlotte Street. The estate is predominantly owned by Newport City Homes and in January 2016 planning permission was granted for the physical regeneration of the estate. It is considered that the proposed development would be compatible with these surrounding uses.
- 7.5.5 In terms of the impact on the privacy of surrounding residential properties. The proposed new building would have habitable windows at first and second floor in the front elevation which would be around 17m from habitable windows in the upper floors of the buildings on the opposite side of Commercial Road. This is considered to be acceptable where properties are facing a busy road.

To its rear habitable windows would be in excess of 30m from the residential properties of Francis Drive; this would not be altered by the regeneration proposals of the estate. It is proposed to re-open existing openings in the rear elevation of the stone building. These openings would serve habitable rooms in the proposed flats at first floor. There would be around 22m between habitable windows of properties on Francis Drive and around 14m from rear gardens. Again, this would not be altered by the regeneration proposals of the estate. As such it is considered that neighbouring amenity would be protected.

7.5.6 In terms of the amenity of future occupiers the New Dwellings SPG and Flat Conversions SPG both make recommendations on internal and external space standards for new residential accommodation. In terms of the conversion of the existing stone building the Flat Conversions SPG recommends a minimum of 45m² for the internal floor space of 1 bed flats. Only two of the five flats meet this standard, furthermore three of the five flats have bedrooms which do not have a window. The applicant has shown that the bedrooms would have a roof light however, when viewing the building in cross section it is clear that the proposed flats would not occupy the roof space. A ceiling would need to be created (if not already present) in order to allow the sub-division of the space to create the individual flats. As such there would be no opportunity to use a roof light for ventilation and natural light. It is considered that the proposed flats do not provide an adequate level of amenity for future occupiers. In terms of the new building two of the one bedroom flats fall short of the minimum standard, which is 50m² for new build properties, and two of the two bedroom flats fall short of the 65m² minimum standard. As the flats fall significantly short of the standard (41m² for the 1 bed flats and 56m² for the 2 bed flats) it is considered that the flats fail to provide an adequate level of amenity for future occupiers.

7.6 **Noise**

The application site is located in an area of commercial and residential uses. The Head of Law and Regulation (Environmental Health) has commented that an acoustic survey is required prior to the determination of the application. As there are commercial properties in the area a survey is required to determine the degree of noise affecting the site prior to determination. This hasn't been formally requested from the applicant due to other fundamental concerns with the application however, in its absence it will need to form a reason for refusal. The Environmental Health Officer also recommends details of opening of opening hours, restriction on opening hours and plant noise and investigation and any mitigation of any unforeseen contamination, which can be secured through conditions.

7.7 **Highways**

Policy GP4 (Highways and Accessibility) states that development proposals should:

- i) provide appropriate access for pedestrians, cyclists and public transport in accordance with national guidance;
- ii) be accessible by a choice of means of transport;
- iii) be designed to avoid or reduce transport severance, noise and air pollution;
- iv) make adequate provision for car parking and cycle storage;
- v) provide suitable and safe access arrangements;
- vi) design and build new roads within private development in accordance with the highway authority's design guide and relevant national guidance;
- vii) ensure that development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network.

7.7.1 The application site is located in a sustainable area. It is part of the Commercial Road District Centre and in close proximity to regular public transport routes. The applicant has submitted a sustainability assessment which the Head of Streetscene and City Services

(Highways) is satisfied that it can demonstrate a reduction in the residential parking to 1 space per unit. However, in accordance with the Parking Standards SPG 3 visitor parking spaces are required to be provided. The applicant intends to provide these spaces on street however this will require the submission of a parking survey which demonstrates that sufficient space is available on street to accommodate these spaces at all times. The applicant has been asked to provide this survey but no information has been forthcoming.

- 7.7.2 The Parking Standards SPG requires 1 customer parking space per 40m² of floor space. This would equate to a requirement of 21 spaces but only 12 spaces are provided. There is also a requirement to provide 2 commercial vehicle spaces for each retail unit. Whilst it is understood that there is an existing delivery area to the rear of the site it previously only served one retail unit and therefore its retention for two units is not considered to be sufficient. The applicant has been asked to address this issue but no further information has been provided.
- 7.7.3 It is proposed to construct 2m height wall/railings around the perimeter of the delivery area to the rear of the site. This would also close up an existing access onto Francis Drive, leaving only one access from Albert Street. With the current arrangement of two accesses it would be likely to allow access and egress in a forward gear by operating an “in and out” arrangement. However, with just one access it would result in delivery vehicles having to carry out reversing manoeuvres on the highway which is considered to be harmful to highway safety. The applicant has been asked to address this but no further information has been provided.
- 7.7.4 It is also proposed to provide a new access to the rear of the car park from Francis Drive. The Council’s Highways Engineer requires a visibility splay of 2.4 x 43m to be demonstrated. The applicant has not demonstrated this using the correct method and as such the actual level of visibility achievable would be about 35.5m. The Highways Engineer requires the reduction in visibility to be justified through the submission of a seven day automated speed survey demonstrating sufficiently low traffic speeds to allow reduced visibility. The applicant has been asked to address this issue but no further information has been provided.
- 7.7.5 Without the above issues being adequately addressed it can not be demonstrated that the proposed development would not result in an adverse impact on highway and pedestrian safety.
- 7.8 **Retail**
Policy R6 (Retail Proposals in District Centres) states that improved shopping facilities will be favoured provided that:
- i) the proposal is of a scale appropriate to the particular centre;
 - ii) the proposal would not have an adverse impact on the vitality and viability of the city centre;
 - iii) proposals to vary/remove conditions, change the range of goods sold and change the size of units would not adversely affect the vitality and viability of the city centre or change the centre’s role as a district centre;
 - iv) the proposal is fully accessible on foot, by bicycle and by public transport;
 - v) satisfactory car parking, access and servicing arrangements exist or can be provided.
- 7.8.1 The proposed development would result in the sub-division of an existing retail unit, as such there would be no additional retail provision except for small outside display stands. This minor additional sales area is considered to be insignificant and would not have an adverse impact on the vitality and viability of the city centre. Issues regarding car parking and servicing is discussed in paragraph 7.7.
- 7.9 **Ecology**
Due to the vacant state of the existing buildings the applicant has carried out a bat survey. The results of the survey show that there were no signs of bats in or around the buildings and the surrounding area provides low quality foraging and commuting habitats for bats. House Sparrows were observed to be nesting on the south west corner of the building.
- 7.9.1 Natural Resources Wales and the Council’s Ecology Officer have no objection in principle to the proposed development although there are some queries regarding some contradictory comments in the survey report. The applicant hasn’t been asked to address this issue due to other fundamental concerns with the proposal. The Ecology Officer agrees that any demolition or works to the building and its roof should be undertaken outside of the bird nesting season. It is also recommended that nesting opportunities be incorporated into the design of the building and a landscaping plan be submitted. These requirements can be secured through a condition.

7.10 **Planning Obligations**

In line with Policies SP13 (Planning Contributions) and H4 (Affordable Housing) contributions towards education and leisure are requested to mitigate the direct impact of development and, thereby, provide sustainable development. In this part of the city 30% of the development should also be affordable housing, which equates to 5 units. A contribution of £24,199 is required for equipped and formal play as there is a deficit in the Pillgwenlly ward. No contributions towards education are required due to the type of development (i.e. a large proportion of 1 bed flat) and school capacities.

7.10.1 The applicant does not agree to the required obligations and has declined to undertake a viability appraisal. As such the proposal represents an unsustainable form of development which would not be mitigated by the provision of affordable housing or contributions towards leisure facilities.

7.11 **Waste**

Concerns have been raised that fly-tipping and waste disposal is problematic in the area. Questions are raised over whether residents would take their waste to the stores given the distance they have to travel to them and whether refuse lorries would find collection difficult.

7.11.1 For the residential properties in the existing stone building bin stores are proposed on the ground floor in a room accessed externally from Francis Drive. Whilst the distance occupiers would need to travel to access the bins is not considered to be unreasonable there is concern about its accessibility to occupiers and local authority collection. It is considered that an externally accessible bin store would result in a level of inconvenience which would deter occupiers from using the facility properly. Furthermore local authority collection requires bins to be left kerbside on collection days and as such it is considered likely that bins would remain on the street; this could be up to 10 bins. Given the concerns raised about fly-tipping and the regeneration proposals for the neighbouring housing estate it is considered that this would cause harm to the character of the surrounding area.

7.11.2 For the residential properties in the new building it is proposed to have a bin store to the rear of the car park and adjacent to the controlled entrance. It is considered that occupiers would have an unreasonable distance to travel to access this bin store, particularly for those occupiers on the second floor. Furthermore because local authority collection requires bins to be left kerbside for collection this would result in an un-managable arrangement for occupiers and there is a danger that bins would remain on street, leading to further harm to the character of the surrounding area.

7.11.3 This poor arrangement for bin storage is considered to be harmful to the amenity of future occupiers and the character of the surrounding area.

7.12 **Drainage**

The applicant intends to dispose foul sewerage to the existing mains sewer, Welsh Water advise that there are no problems with the treatment of domestic discharges from the site, nor are there any problems envisaged with water supply. Welsh Water do recommend that a condition is imposed requiring no surface water from any increase in the roof area of the building/or impermeable surfaces within its curtilage to be allowed to drain directly or indirectly to the public sewerage system. As the application site is currently covered by buildings or impermeable surfaces there would be no additional surface water runoff as a result of the proposed development. It is therefore not considered reasonable to impose such a condition.

8. **OTHER CONSIDERATIONS**

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

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

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

8.2 **Equality Act 2010**

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

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

9. **CONCLUSION**

9.1 The proposed development is not considered to be acceptable. The proposals would result in an unacceptable standard of amenity for future occupiers, a harmful impact on the character of the surrounding area, harmful impacts on highway safety and it would represent an unsustainable form of development which fails to be mitigated for through the provision of affordable housing and contributions towards local leisure facilities. It is contrary to policies SP1, SP13, GP2, GP4, GP7, H4, H6, H8 and T4 of the Newport Local Development Plan. It is recommended that planning permission is refused.

10. **RECOMMENDATION**

REFUSED

01 The proposals would result in an unacceptable standard of amenity for future occupiers due to sub-standard internal floor space, lack of natural light to the bedrooms of flats 2, 3 and 4 (conversion of rear stone building) and inadequate refuse storage arrangements. This is contrary to Policies GP2, H6 and H8 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

02 The applicant has failed to demonstrate that the proposed development would not be adversely affected by noise from the surrounding commercial properties; this is to the detriment

of the residential enjoyment and the amenities of future occupiers. This is contrary to Policies GP2 and GP7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

03 The proposals fail to demonstrate adequate bin storage facilities which would be convenient and easily accessible for both occupiers and local authority collection. This is likely to lead to the storage of many bins on the street which would be harmful to the character of the surrounding area and local amenity. It would also be harmful to the residential amenities of future occupiers and is contrary to Policies GP2 and GP7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

04 The proposals fail to provide sufficient visitor, customer and commercial vehicle parking; an acceptable delivery area for the retail units resulting in reversing manoeuvres on the highway and adequate visibility from a new access. This is detrimental to highway and pedestrian safety and is contrary to Policy GP4 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

05 The proposal represents an unsustainable form of development which fails to be mitigated by the provision of affordable housing and contributions towards local leisure facilities. This is contrary to Policies SP1, SP13 and H4 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: AW05-1/P/01, 02, 03, 04, 05, 06 rev A, 07, 08, Bat Survey (Acer Ecology, September 2015) and design and access statement (including transport statement).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP13, SP18, SP19, GP2, GP4, GP5, GP6, GP7, H4, H6, H8, EM3, T4 and R6 were relevant to the determination of this application.

03 The Flat Conversion Supplementary Planning Guidance (Adopted August 2015) was relevant to the determination of this application.

04 The New Dwellings Supplementary Planning Guidance (Adopted August 2015) was relevant to the determination of this application.

05 The Newport Parking Standards Supplementary Planning Guidance (Adopted August 2015) was relevant to the determination of this application.

05 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.
