

Report

Planning Committee

Part 1

Date: 7 December 2016

Item No: 5

Subject **Planning Application Schedule**

Purpose To take decisions on items presented on the attached schedule

Author **Interim 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 Interim Development and Regeneration Manager to draft any amendments to, additional conditions or reasons for refusal in respect of the Planning Applications Schedule attached

Action by Planning Committee

Timetable Immediate

This report was prepared after consultation with:

- Local Residents
- Members
- Statutory Consultees

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

Background

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

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

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

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

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

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

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

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

Financial Summary

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

Risks

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

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

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

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

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

Risk	Impact of risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect?	Who is responsible for dealing with the risk?
Decisions challenged at appeal and costs awarded against the Council.	M	L	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-determination, with costs awarded against the	M	L	Avoid delaying the determination of applications unreasonably.	Planning Committee Development Services Manager

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

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

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

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

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

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

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

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

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

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

Options Available

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

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

Preferred Option and Why

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

Comments of Chief Financial Officer

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

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

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

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

Comments of Monitoring Officer

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

Staffing Implications: Comments of Head of People and Business Change

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

Local issues

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

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who

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

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

Children and Families (Wales) Measure

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

Wellbeing of Future Generations (Wales) Act 2015

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

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

Planning (Wales) Act 2015 (Welsh Language)

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

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

Crime and Disorder Act 1998

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

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

Consultation

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

Background Papers

NATIONAL POLICY

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

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: 16/1016 **Ward:** CAERLEON

Type: FULL

Expiry Date: 11-DEC-2016

Applicant: NEWPORT CITY HOMES

Site: SITE OF FORMER GARAGES, EASTFIELD ROAD, CAERLEON,

Proposal: CONSTRUCTION OF TWO STOREY BUILDING TO INCLUDE 6NO. 1 BEDROOM FLATS, ASSOCIATED PARKING, ALTERATIONS TO EXISTING ACCESS, NEW BOUNDARY TREATMENTS AND ASSOCIATED WORKS

Recommendation: GRANTED WITH CONDITIONS SUBJECT TO A SECTION 106 AGREEMENT WITH DELEGATED AUTHORITY TO REFUSE PERMISSION IF THE AGREEMENT IS NOT COMPLETED WITHIN 3 MONTHS OF THE RESOLUTION TO GRANT PLANNING PERMISSION

1. INTRODUCTION

- 1.1 The proposal is to erect a two-storey block containing 6No. affordable one-bedroom flats on a site located within a residential part of Caerleon. The site was previously owned by Newport Council but transferred to Newport City Homes with the remainder of the Council's housing stock. Previously the site housed a number of garages but since the land was acquired by Newport City Homes, these were demolished and the site cleared of all vegetation prior to the application being submitted. The correct prior notification procedure was not followed prior to the demolition of the garages and the matter was investigated by enforcement officers but enforcement action to require their reconstruction was not considered to be expedient and the case was subsequently closed. This application represents a resubmission following the withdrawal of an application for a scheme for a larger building with 8no. bedroom flats (15/1167). Officers had shared concerns regarding that scheme with the applicant which subsequently lead to its withdrawal. This application will however be assessed on its own merits.
- 1.2 The site is linear, extending along Eastfield Road, and approximately 17m wide at its widest point. It is bordered by public highway to its western and southern boundaries and residential properties to the north and east. The size and shape of the site has therefore limited the size, location and form of the development.
- 1.3 There is a height difference within the site with the levels decreasing toward the south-east. The maximum height difference is approximately 2.5m, adjacent to 2 Eastfield Road. Furthermore, the gradient of the land means that properties located adjacent to the south-eastern boundary of the site (103 to 115 Anthony Drive) are positioned at a lower ground level than the proposed development.
- 1.4 The proposed building will measure 24m in length by 8.2m in depth. The Eastfield Road (north) elevation of the building will have a maximum height of 5.8m whilst the opposite elevation will have a height of 7.5m, owing to the difference in ground levels. The roof is of a pitched design with feature gables positioned at either end of the rectangular building.
- 1.5 The existing vehicular access from Anthony Drive is to be utilised and the southern elevation will provide access to the four ground floor flats. This area currently provides access to the rear of 115 to 103 Anthony Drive. Pedestrian access to the four first floor flats will be available via Eastfield Road.
- 1.6 The building is to be constructed from a mix of buff brickwork with timber panelling and a grey slate roof with grey rainwater goods. The entrances to the flat's access from Eastfield Road are recessed behind timber slatted screens, which provide concealed external space to store refuse. Each entrance will have a flat-roofed canopy. Each flat will be served by at

least 2 full height windows. The majority of these windows will be located in the southern elevation, although two will be located in the west elevation, fronting Anthony Drive. 6 smaller windows will front onto Eastfield Road. 2No. windows are proposed in the East elevation overlooking 2 Eastfield Road. Three 'sun-pipes' are to be located in the Eastfield Road elevation roof slope to provide daylight to bathrooms.

- 1.7 Landscaped areas are provided between the western-end elevation and Anthony Drive, which will also house a refuse collection area, and east of the proposal with a landscape buffer fronting Eastfield Road.
- 1.8 A total of 7No. parking spaces are to be provided within the site; 6 for the proposed flats plus a visitor space.
- 1.9 The primary considerations of this application, which are echoed by the concerns of representations received, are: the impact on residential and visual amenity; highway safety; parking provision; traffic generation and air quality; landscaping; the need for affordable housing and the ability of the site to accommodate the proposal.

2. RELEVANT SITE HISTORY

15/1167	ERECTION OF TWO STOREY RESIDENTIAL BUILDING TO INCLUDE 8NO. ONE BEDROOM FLATS, ALTERATIONS TO EXISTING ACCESS ROAD, NEW BOUNDARY TREATMENTS, EXTERNAL LIGHTING AND ASSOCIATED LANDSCAPING	WITHDRAWN
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3. POLICY CONTEXT

3.1 *National Policy*

- Technical Advice Note (TAN) 2: Planning and Affordable Housing
- Technical Advice Note (TAN) 12: Design
- Technical Advice Note (TAN) 18: Transport

3.2 *Adopted Local Policy – Newport Local Development Plan*

- Policy SP1 (Sustainability)
- Policy SP10 (House-building requirement)
- Policy GP2 (General Amenity)
- GP4 (Highways and Accessibility)
- GP5 (Natural Environment)
- GP6 (Quality of Design)
- GP7 (Environmental Protection and Public Health)
- H2 (Housing Standards)
- H4 (Affordable Housing)
- H8 (Self-contained Accommodation and Houses in Multiple Occupation)
- T4 (Parking)
- W3 (Provision for Waste Management Facilities in Development)

3.3 *Supplementary Planning Guidance*

- Parking Standards
- Affordable Housing
- New Dwellings

4. CONSULTATIONS

- 4.1 WALES AND WEST UTILITIES: Wales & West Utilities has pipes in the area and apparatus may be affected and at risk during construction works. Should the planning application be approved then require the promoter of these works to contact WWU directly to discuss requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable and WWU plant and equipment should not be built over or enclosed.

- 4.2 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: The application area lies outside of the Roman town and the later medieval development of Caerleon, within an area of modern housing development. There is no indication of archaeological assets from the Roman or later periods within the application area. It is unlikely that the proposed work will have an impact on the historic environment. Therefore as advisors to your members we have no objection to the positive determination of the application. Should archaeologically sensitive material be discovered during the work, the applicant should contact GGAT for advice.
- 4.3 DWR CYMRU WELSH WATER: Recommend that Conditions and Advisory Notes are included within any consent granted to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets. Conditions are recommended which require an attenuation device for surface water and to ensure that the position of the public sewer crossing the site is accurately marked out before works commence and no work should be carried out either side of it. No problems are envisaged with the provision of water supply for this development.
- 4.4 NEWPORT ACCESS GROUP: No response.
- 4.5 HEDDLU GWENT POLICE (ARCHITECTURAL LIAISON OFFICER): No objections to make. 'Designing out crime' advice has been given to the Architects in relation to Secured by Design of which the site is fully able to achieve, making a safe and sustainable development for the future.
- 4.6 NATURAL RESOURCES WALES: Wish to make no comment.
- 5. INTERNAL COUNCIL ADVICE**
- 5.1 HEAD OF LAW AND REGULATION (PUBLIC PROTECTION): Efforts have been made by the applicant to investigate methods to minimise the impact on the local air quality and human health. Whilst it is agreed the impact will be minimal, the cumulative impact of many small developments in the local area should not be ignored. As such each development should play a part in trying to mitigate their air quality impact. The measures suggested in the submitted air quality report are well considered and appropriate for the scale of this development. There is therefore little reason to refuse the application on air quality grounds and conditions to ensure the air mitigation measures proposed are implemented should be attached to any planning permission granted. A condition requiring the submission of a Construction and Environment Management Plan should also be applied and in particular HGVs should avoid using the Caerleon High Street & Castle Street.
- 5.2 The submitted contaminated land report does not indicate any significant contamination, however none of the samples were taken at near surface (0.5m and deeper). Previously the Scientific Officer has been made aware of an asbestos survey for the site which has been considered. It is currently unclear whether there is a risk to future site users/site workers from asbestos and what, if any remediation has been carried out. To ensure the site is suitably investigated and remediated a condition related to land contamination should be attached to any permission granted. This should include a summary of all relevant investigation works carried out, the requirement and implementation of additional sampling (if needed), risk assessment and remediation strategy. In particular, evidence of the management and risk assessment of the asbestos should be made clear. Currently from the evidence presented asbestos is still present on the site. It is also recommend that asbestos fibre monitoring is carried out by an independent contractor for any ground works, this is to ensure the health and safety of both site workers and the wider public.
- 5.3 HEAD OF STREETSCENE AND CITY SERVICES (LEISURE): No response.
- 5.4 HEAD OF STREETSCENE AND CITY SERVICES (TREE OFFICER and acting LANDSCAPE OFFICER): No objection.
- 5.5 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): No objection.
- 5.6 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): Parking will be available in accordance with the Newport City Council Parking Standards. Informal on street parking exists along the road which is likely associated with residents of 103 to 115 Anthony Drive.

The applicant has shown that sufficient road width will be retained to allow for this situation to continue whilst retaining enough space for turning manoeuvres.

The access width onto Anthony Drive will be reduced however a minimum width of 4.8m will be retained at the access in accordance with Manual for Streets.

The existing road currently forms part of the adopted highway. Where the development encroaches into the adopted highway the highway rights must be 'stopped up' via the Town and Country Planning Act.

Any works within the adopted highway will also require the developer to contact Streetscene to facilitate the appropriate highways agreement should planning permission be granted. No works can be undertaken within the adopted highway until such a time that an agreement is in place and permission has been given by the highway authority.

Doors opening over the adopted highway will not be permitted and therefore the access arrangements into the bin stores will need to be amended.

Should planning permission be granted then a CEMP must be submitted for approval which must include such details as wheel wash facilities, dust suppression, contractor parking/compound and how deliveries will be accommodated.

Suitable drainage must be employed to prevent surface water run off onto the adopted highway.

Subject to the above offers no objection to the application.

5.7 HEAD OF REGENERATION AND REGULATORY SERVICES (HOUSING DEVELOPMENT MANAGER): Newport City Homes are a partner housing association of the City Council and are therefore committed to working with the authority for the provision of affordable housing. This scheme has been developed in partnership to address the prevailing housing need in the area. The Local Housing Market assessment 2015-2020 identified a need for 31 one bed room properties to be built in Caerleon every year for the five years of the assessment, this has not been achieved due to a lack of land availability. Similarly there are currently 788 single people registered for accommodation for the Lodge area. This site is owned by Newport City Homes and will provide 6 apartments to address this need. The design has taken considerable consideration due to the topography of the site, and will provide flats to the ground floor and upper street level with level access, ensuring that an applicant with a mobility issue can still be accommodated. Parking provision is being made available to all 6 flats and visitor provision. The flats comply fully with Welsh Government Development Quality Requirements and will be constructed with Social Housing Grant. Therefore the Housing Department of the City Council fully supports this application.

5.8 HEAD OF REGENERATION AND REGULATORY SERVICES (PLANNING CONTRIBUTIONS MANAGER): The proposal addresses a clearly identified housing need for this area of the City and will be offered on a neutral tenure basis providing opportunities for applicants to rent or part-purchase their home. The properties will be allocated through the Common Housing Register and attain the appropriate Welsh Government standards where appropriate and achievable.

However, in accord with the Affordable Housing SPG (2015), should the developer decide to sell any of the properties on the open market there would be a requirement to provide £13,150 per market dwelling. Affordable Housing Sum would be index linked to the RPI and paid in instalments (to be agreed)

The development falls within the catchment area of Caerleon High School and Lodge Hill Infants and Junior School. However, no education planning obligations are generated by one bedroom apartments (whether affordable or open market).

There is a deficit of equipped and formal play provision within the Caerleon Ward.

Whilst it is recognised that no leisure contribution is requested for affordable housing dwellings, it is necessary to build-in safeguards to ensure that any dwellings sold or rented on the open market, will be subject to leisure planning obligation contributions. As such, any 'open market' dwellings will be subject to a financial leisure contribution, based on the following formula and in accord with the Planning Obligations SPG 2015:

- Number of one bed 'open market' apartments x £2,218

Prior to commencement of the development, the Owner and/or developer will notify the Council in writing of the number and type of dwellings which are to be 'open market' dwellings

All Leisure Sums will be index linked to the RPI

5.9 HEAD OF EDUCATION (EDUCATION INFORMATION MANAGER): No response.

6. REPRESENTATIONS

6.1 NEIGHBOURS: 15 neighbours were consulted who share a common boundary with the application site, a site notice was displayed at the site. The following issues were raised within the objections received:

Residential Amenity

- It will result in increased overlooking with front elevation windows being only 18m away from protected windows on no. 1 Eastfield Road and rear windows 19m away from 115 Anthony Drive, affecting privacy;
 - The doorways of flats 4, 5 and 6 will open onto the footpath and this is unsafe;
 - Planters will encroach into the public footpath and cause a hazard;
 - The existing bank is unstable following the removal of the garages;
 - There will be loss of light to neighbouring residential properties
 - The new properties will increase noise levels;
 - No private amenity space for drying clothes or storing bins has been provided;
 - The proposal will destroy the view from properties on Eastfield Road;
 - The allocated bin area will cause a problem and bins will be left out during collection days;
 - The building will be overbearing;
 - The proposal breaks the established building line of Eastfield Road;
 - A salt bin is in place currently on the corner of the site, this should be maintained;
 - The description doesn't include the amenity function previously provided by the land;
 - The proposal will increase pressure on the drainage and sewerage system;
 - No provision for refuse storage for Anthony Drive Properties has been provided;
- ### Parking and Highway Safety
- The parking survey was not independent and the terms set by the applicant:
 - Suggests it is allowable to displace long established parking to surrounding informal street parking
 - The duration and survey times do not effectively capture parking densities at their heightest and the survey suggests only 2-3 vehicles use the parking area when the figure is often 10-12 cars
 - Owing to restrictions within the Highway Code there cannot be considered to be 88no. spaces within 80m of the site. This should be reduced to 50no.
 - Use of all these 50 spaces would result in traffic coming to a halt
 - The survey is incorrect in stating that there are garages on site as they were demolished in 2014.
 - The reduction in available parking will increase pressure on the surrounding area which is already saturated;
 - Access to rear of Anthony Drive will be limited for emergency, refuse and delivery vehicles;
 - The increase in traffic will increase pollution in Caerleon;
 - The proposal makes no provision for existing resident parking which will be lost;

- The swept path analysis doesn't take into account established kerbside parking;
 - Access to the the rear of 103 Anthony Drive is likely to be impeded;
 - Damage is likely to occur to existing boundary fences from vehicles manouvering in a restricted space;
 - The allocated turning bay is likely to be used for parking;
 - A parking area is proposed immediately opposite 1 Eastfield Road and this is likely to cause an obstruction and safety concerns;
 - Eastfield road is a busy bus route and the parking area will cause a safety hazard to vehicles using this route;
 - The parking area at Eastfield Road will cause a hazard to the blind resident at 2 Eastfield Road;
 - Off-street parking will have to cross double-yellow lines which if removed would further reduce safety and increase parking frustration;
 - The garden wall of 12 Eastfield Road has been knocked down on 19 occasions and the current situation is dangerous for pedestrians – the proposal will worsen this;
 - Insufficient ingress and egress access point which is too close to the existing junction;
 - Shared surfaces will cause confusion and a hazard
- Unauthorised Demolition of Garages and site clearance
- There are factual inaccuracies in the application about the garages still being in situ;
 - The garages were in a poor state of repair;
 - Newport City Homes prevented the new renting of garages and those renting them were told to vacate and so the situation of vacancy was manipulated;
 - The garages provided protection from the elements to no. 2 Eastfield Road;
 - The removal of the garages required prior notification which was not sought and retrospective planning permission has not been applied for and this application should therefore be rejected;
 - The removal of the garages represents the commencement of the development;
 - Asbestos was found during the demolition and was buried on the site and poses a risk to human health;
 - The potential impact of the remaining asbestos and contamination should be rectified before the application is considered, a condition to tackle this retrospectively is not appropriate;
 - The developer destroyed a long established green space marking the historical boundary of the original farm land and the reinstatement of this greenspace should be enforced;
 - Clearance of the site resulted in the destruction of habitats;
 - There is reference to a commuted sum made to Newport City Council in relation to landscaping and local residents have not benefitted from this;
- Design
- The plot is very small for 8;
 - Construction so close to the footway and loss of the verge would be detrimental to the streetscape;
 - The design is out of character and scale with neighbouring properties which are mainly comprised of low density bungalows and is more suited to an urban setting;
 - The planters proposed are an urban feature and will cause a trip hazard and street clutter;
 - Pleached trees are an urban landscaping solution;
 - The materials proposed are inappropriate
- Housing Type
- No evidence has been submitted to support the need for one bedroom flats in Caerleon;
 - 450 rooms are available on the university site and other properties locally are available for shared housing and could be utilised to provide one-bedroom accomodation;
- Other Matters
- The consultation carried out by NCH's was inapproriate and occurred at inconvenient times and locations (homes visits were also carried out but the information provided was not appropriate for a blind person);
 - Points raised during consultation have not been reocrded

- Reference to area as 'suburban village' is incorrect and the site is actually bounded by open countryside

6.2 COUNCILLORS GILES, HUNTLEY AND SULLER: Councillor Giles has objected to the application supporting neighbour objections and has requested that it be heard by planning committee. Particular concern is raised in respect of insufficient parking, loss of amenity / access to rear entrances of adjacent residents' properties, insufficient ingress and egress width at the entrance which is also too near a junction and on a corner in the road, pedestrian safety and arrangements for bin collections and delivery vans/ lorries.

6.3 CAERLEON CIVIC SOCIETY: The Society opposes the development on the grounds of serious local objections and the need for parking space in the area.

7. ASSESSMENT

Unauthorised demolition of garages

7.1 Previously, the site contained a number of garages. The applicant and owner of the garages has stated that these garages were under-utilised and largely used for storage. Local residents have disputed this and believe that the correct prior-notification process should have been sought prior to their demolition, and as a result this should be a material consideration in the planning application.

7.2 The Town and Country Planning (General Permitted Development) Order 1995 requires that prior notification is sought in respect of the demolition of such structures. The Council's planning enforcement officers investigated the unauthorised demolition of the garages and as the garages and demolition debris had already been removed from site and their reconstruction was not considered expedient, no further action was taken.

7.3 Representations received suggest that asbestos was present during the demolition of the garages which may pose a risk to human health. The Head of Law and Regulation (Public Protection) has suggested a condition is attached to any planning permission granted to address public health issues arising from this along with a construction and environmental management plan. These are considered adequate to safeguard local residents from any potential demonstrable effects arising from possible contamination on the site.

7.4 The refusal of planning permission would not result in the reconstruction of the garages. Their demolition, albeit undertaken without the appropriate consent, now leaves a vacant urban site in a predominantly residential area. The impact in relation to parking provision is addressed below.

Affordable housing need

7.5 The proposal is for 6 No. 1 bedroom affordable apartments. Policy H4 (affordable housing) of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) identifies that the Authority will seek the provision of affordable housing in accordance with the relevant submarket area target, which is 40% for Caerleon and Rural Newport. This effectively means these areas have been identified as those in most need for affordable housing and 40% of new housing should be affordable or a commuted sum paid toward provision of such housing. The proposal is 100% affordable and so fully contributes to addressing the housing need identified in this area. The Planning Contributions Manager has stated that as a consequence the development is exempt from contributing towards leisure and education planning obligations, although contributions would be payable if the properties were to be sold on the open market in the future. Therefore a S106 will be required to control this possibility.

7.6 The Local Housing Market assessment 2015-2020 identified a need for 31 one bed room properties to be built in Caerleon every year for the five years of the assessment, this has not been achieved due to a lack of land availability. Similarly there are currently 788 single people registered for accommodation for the Lodge area. This site is owned by Newport City Homes and will provide 6 apartments to address this need. The proposal is considered to comply with Policy H4 of the Newport Local Development Plan and will contribute towards the local housing supply to address an identified need.

7.7 It has been queried within neighbour objections as to why other available sites have not been utilised, such as the Caerleon Campus. Newport City Homes is seeking to make efficient use of land within their ownership to provide 6no units. The Local Development Plan does not require developers to consider the suitability of alternative sites in a sequential manner in respect of housing and it would be unreasonable to refuse this application for that reason. In any event, the Caerleon Campus does not benefit from a planning permission for residential development, affordable or otherwise and no planning application is currently being considered.

Design of development

7.8 The site is limited in terms of its size and it is recognised that this has influenced the compact design of the proposal and its position within the site. Effort has been made to respect the scale of adjacent housing and utilise the gradient of the land by providing a single storey elevation to Eastfield Road, which is fronted by bungalows, and a two storey elevation to the rear opposite the two storey terraced properties at 115 to 103 Anthony Drive. Prominent gables are common in the area and are a feature which is reflected in the design of the proposal. Also canopies have been incorporated into the front elevation to provide a more residential appearance. The brick and render design of the building complements the materials used locally as evidenced within the design and access statement submitted.

7.9 The New Dwellings SPG (Adopted August 2015) states that one-bedroom flats should have an internal floorspace of 50m² and have balconies providing a minimum amount of amenity space. The Juliette balconies serving flats 1, 3, 4 and 6 of this proposal do not provide any usable amenity space, however, to create such features at first floor level would enhance the degree and perception of overlooking to neighbouring properties and so in this instance would not be inappropriate. Furthermore, each flat will provide a minimum of 52 square metres with first floor flats having 59 square metres of internal living space. All flats will have private areas to store refuse which compensates for the lack of private external amenity space. All flats have their main habitable room windows facing south and so are likely to receive a sufficient amount of daylight into living areas. To allow additional light into living areas whilst aiming to minimise overlooking, it is proposed to provide windows in the side elevation of double storey bay-window features to the rear. The proposal will be constructed in line with the Welsh Government's requirement for social housing, which ensures compliance with Policy H2 (Housing). The level of amenity for the occupants of the proposed flats is therefore considered to be acceptable.

7.10 As identified within the representations received, the building will be located closer to the footway on Eastfield Road than other properties, which are characterised by greater setbacks, and forward of the established building line. The landscaped verges and delineation of gardens makes for a pleasant amenity and spacious appearance, particularly along Eastfield Road. It is not possible to provide a greater setback from the highway owing to the limited depth of the site. A variety of housing types and designs are evident in the locality and landscaping in the form of planters is proposed to be used to in an attempt soften the street facing façade of the building. Landscape buffers at Eastfield Road and Anthony Drive have also been proposed which re-introduce a degree of landscaping following the clearance of the site. Although it is accepted that the level of landscaping is not equivalent to the previous level of vegetation, the amount and quality of landscaping represents a significant improvement to that which was previously proposed under application 15/1167. The landscape buffer fronting Anthony Drive and the use of window openings in the south-western elevation of the building combine to allow the building to successfully turn the corner to Eastfield Road, avoiding an overbearing and blank façade within this residential setting and helping to soften the appearance of the building from Anthony Drive.

7.11 The materials used in the development do however complement the existing properties in the area and it is considered to provide a sufficient level of amenity for its occupants. It is therefore considered to be compliant with policy H2.

7.12 The Heddlu Gwent Police (architectural liaison officer) was consulted in respect of this application and have no objections to the proposed development and confirm it will be built to the standards found within Secured by Design.

Impact on residential amenity

- 7.13 A number of representations have raised concerns in respect of the impact the proposal will have on residential amenity through means of overlooking, loss of light, overbearing impact, light pollution and increased noise. The loss of outlook and view have also be sited as objections against the proposal. The New Dwellings SPG states that new developments should maintain adequate natural daylight, privacy and perceived space for occupants of neighbouring dwellings. Policy GP2 (General Amenity) of the Newport Local Development Plan 2011 – 2026 (Adopted January 2016) states that development will be permitted where there will not be a significant adverse effect on local amenity including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality.
- 7.14 The test for natural light is set out in the New Dwellings SPG. Given the height of the proposed building and its distance from the windows of these properties the proposal does not fail this test and, also taking into account the position of the proposal to the north of Anthony Drive, it is therefore unlikely it will impede natural daylight from the windows of neighbouring residential properties. Furthermore, owing to the two-storey height of the proposal and distance from the rear of these properties it is not considered that its impact will be overbearing.
- 7.15 The New Dwellings SPG also specifies that in order to ensure that all residents have sufficient privacy in their homes, a 21m separation distance must exist between protected windows in existing and proposed dwellings. In order to prevent overlooking between existing and proposed properties, suitable separation distances must exist between high-level protected windows and adjacent back gardens. The applicant has demonstrated that a minimum distance of 21m will exist between the rear elevation windows of the proposal and the properties at 103 to 115 Anthony Drive and so the proposal will not have an adverse impact on the privacy of neighbouring residents in their homes. This is correct, except in the case of no 115 Anthony Drive where the distance is 20m between protected windows. It is however proposed to obscure glaze first floor windows and a condition will be attached to any permission granted to ensure that openings are top-hung to avoid any perception of overlooking. Although the first floor Juliet balcony serving flat 6 will be sited 26m away from 2 Eastfield Road, use of the Juliet balcony at an elevated position could impact upon the residential amenities of occupants of that property through an increased perception of overlooking. Therefore, a condition will be attached to any permission granted to prevent a Juliet balcony being used here.
- 7.16 Representations received identify that the separation distances specified in the SPG do not apply to distances between protected windows on Eastfield Road and are measured as 18m. However, the submitted plan shows that the windows in the front elevation of the proposal are not located directly opposite 1 Eastfield Road but face the side elevation of 101 Anthony Drive, where there are no protected windows. Therefore, owing to the position of the proposed building in relation to the protected windows of properties sited on the northern side of Eastfield Road it is considered that there will be no adverse impact on amenity on either 1 Eastfield Road or 101 Anthony Drive.
- 7.17 Any anti-social noise levels cannot be anticipated and if they do occur can be tackled under other legislation. Similarly, disruption during construction is controlled through other legislation although a condition will be attached to any planning permission granted to require a construction management plan to be submitted and approved prior to the commencement of development. The approved details will then have to be complied with.

Landscaping

- 7.18 Prior to the submission of the application, the site was cleared of all vegetation. A number of neighbours consider that this has had an adverse impact on the character and appearance of the locality. This area is suburban and within the urban boundary. The site was previously occupied by garages although, the appearance of the site was softened by the greenery, which apparently formed an original boundary to countryside when the housing estate was developed. It has not been possible to locate the original planning permission and so whether its removal represents a breach of the original consent cannot be determined but is considered unlikely. The landscaping proposals have been assessed in terms of whether they provide adequate mitigation for the loss of the vegetation.

- 7.19 The Head of Streetscene and City Services (Landscape Officer) has not objected to the proposal and pre-application discussions prior to the submission of the application established the acceptability of the basic landscape format, subject to the submission of a detailed scheme, which can be required by condition. At Eastfield Road, the scheme includes planters, within the site and adjacent to the highway, a landscape budffer adjacent to no. 2 Eastfield Road and between parking spaces and a landscape buffer at the junction with Anthony Drive. Additional landscaping is provided to the rear corner of the buildings and agasint the retaining wall between the parking area and no. 2 Eastfield Road, included pleached trees.
- 7.20 An area to store refuse bins has been allocated within the landscape area fronting Anthony Drive. The proposed site layout indicated that this is to be formed of a green/timber screen wall with plants. Details of this will be required as part of the landscaping screen should planning permission be granted as this feature could add to the appearance of this area if integrated with other landscape features. A standalone enclosure would appear as an incongruous feature. This area is only therefore likely to be used on collection days and each flat has its own bin storage area.
- 7.21 A neighbour has objected to the scheme on the basis that the planters and pleached trees are more characteristic of an urban development and could cause a hazard, particularly to a blind resident. Owing to the position of the pleached trees below Eastfield Road and within the car park area, it is unlikely that they will cause any particular hazard and it is considered that they will enhance the appearance of what would otherwise be a stark retaining wall. Owing to their location within the site and height of the planters shown within the submitted information it is unlikely that they will have an adverse impact upon the character and appearance of the area, nor will they cause a trip hazard. However, further details of these will be required as part of the landscaping scheme.

Highways and parking

- 7.22 Policy SP1 (Sustainability) states that developments should make a positive contribution to sustainable development. This site is in a sustainable location within the settlement boundary which is well serviced by public transport. The site is a vacant brownfield site and this proposal seeks to make an efficient use of the land. However, Caerleon High Street is an Air Quality Management Area (AQMA) since it suffers from high levels of traffic based pollution and new residential development has the potential to worsen the current situation. The Head of Law and Regulation (Public Protection) considers that the measures suggested in the submitted air quality report are well considered and appropriate for the scale of this development. These measures include:
- Subsidised bus passes for residents
 - Cycle parking provision for 6 bicycles
 - Cables for an electric charging point to be provided should installation be required in future; the type of accommodation makes it unlikely residents will own electronic vehicles so not required at present;
 - Construction traffic will be advised to only use the route through Caerleon outside peak traffic hours.
- 7.23 The Head of Law and Regulation (Public Protection) has advised that a condition should be attached to any planning permission granted requiring implementation of the Air quality plan submitted as well as a condition requiring the submission of a Construction and Environment Management Plan which should prevent HGVs using the Caerleon High Street & Castle Street at any time. Any Construction and Environmental Management Plan will therefore need to specify what route construction vehicles are to take and how this will be ensured.
- 7.24 Many objections have been received in respect of the loss of parking provision resulting from the proposal and general highway safety issues. Neighbours have also expressed concern regarding existing highway safety and consider the proposal will worsen the situation.
- 7.25 Currently, notwithstanding the use of the site for garages, the site provides parking, and access, to 103 – 115 Anthony Drive. The front of these properties can only be accessed by foot and so the loss of parking to their rear would result in an increase in on-street parking

in the area. It seems that the site has indeed been established as an area for the parking of vehicles although the applicant does own the site and could deny access for parking, except where it is adopted highway.

- 7.26 It is proposed to provide 7 vehicle parking spaces in total. This includes a visitor parking space. The adopted parking standards require that one parking space is provided per dwelling for one-bedroom flats in this location, with one visitor parking space per 5 dwellings. Whether this requires an additional visitor space is open to interpretation, however, The Head of Streetscene and City Services (Highways) is however satisfied that in this instance the level of parking provided for the proposal is sufficient. On-street parking will be kept available to the rear of 103 -115 Anthony Drive within the adopted highway which allows the existing parking scenario to continue whilst allowing room for the manoeuvring of vehicles. The applicant has shown that sufficient road width will be retained to allow for this situation to continue whilst retaining enough space for turning manoeuvres. The access width onto Anthony Drive will be reduced however a minimum width of 4.8m will be retained at the access in accordance with Manual for Streets. The Head of Streetscene and City Services has not objected to the proposal on highways safety grounds although does recommend that a condition is attached to any planning permission granted requiring a CEMP to be submitted for approval which must include such details as wheel wash facilities, dust suppression, contractor parking/compound and how deliveries will be accommodated. Suitable drainage must be employed to prevent surface water run off onto the adopted highway.
- 7.27 A number of comments have been made in respect of a parking survey undertaken at pre-application stage and recently made available at neighbour request. An objection letter criticises the survey and states that samples taken are not representative of peak use of the site for the parking of cars and that the available on-street parking is lower than claimed within the survey. Notwithstanding the information in the parking survey, the Head of Streetscene and City Services (Highways) is of the opinion that the proposal complies with the adopted parking standards and is in accordance with the Manual for Streets. On-street parking within the area is available, does not appear oversubscribed and is able to accommodate any vehicles which may be displaced as a result of the proposal without adverse impact on amenity.
- 7.27 The existing road currently forms part of the adopted highway. Where the development encroaches into the adopted highway the highway rights must be 'stopped up' via the Town and Country Planning Act. The applicant must note that 'stopping up' is not a guaranteed process as all relevant objections will be considered. It has also been recommended that should the application be approved, the applicant must contact Streetscene to facilitate the appropriate highways agreement for any works which will take place within the adopted highway.

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 acceptable and it is recommended that planning permission is granted subject to the following conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS SUBJECT TO GRANTED WITH CONDITIONS SUBJECT TO A SECTION 106 AGREEMENT WITH DELEGATED AUTHORITY TO REFUSE PERMISSION IF THE AGREEMENT IS NOT COMPLETED WITHIN 3 MONTHS OF THE RESOLUTION TO GRANT PLANNING PERMISSION.

01 The development shall be implemented in accordance with the following plans and documents: Pleached tree sketch detail, Asbestos Report, Site Investigation Report, Presentation Board, Presentation Board 1, Presentation Board 2, Air Quality Management Report, General Arrangement Plan, Drainage layout, Slab and Floor Levels, Proposed Site Sections, Proposed roof plan, Proposed Elevation, Proposed Street Elevations, Proposed Flat Layouts, Proposed Site Layout, Drainage Report.

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

Pre- commencement conditions

02 Prior to the commencement of development, to include demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, air quality*, vibration, dust** and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. Notwithstanding the approved Air Quality Report measures to minimise the impact on air quality should include HGV routes avoiding Air Quality Management Areas and avoid vehicle idling. The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

* The Institute of Air Quality Management <http://iaqm.co.uk/guidance/>

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

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

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

a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.

b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to (BS10175/2011), containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.

c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

d) Following remediation a Completion/Verification Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.

e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

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

04 Before the development, other than demolition, is commenced, written approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs). The submitted details shall include details of planters adjacent to Eastfield road and of the bin storage area. The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner.

05 Prior to the commencement of development a drainage scheme shall be submitted to the local planning authority and approved in writing. The scheme shall detail how a sustainable form of drainage will be implemented to prevent water run-off into the adopted highways. Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 2.3 l/s. The scheme shall then be implemented in accordance with the approved details and retained in perpetuity.

Reason: In the interest of highway safety and 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-Occupation Conditions

06 No use shall be made of the building hereby approved until the parking, vehicle turning and access areas have been provided and surfaced as indicated on the plan(s) hereby approved and individual parking spaces marked on the surface. Thereafter, these areas shall be kept available for those purposes at all times.

Reason: To ensure that adequate off-street parking provision is made in the interests of highway safety.

07 Prior to the first beneficial occupation of any unit hereby approved full details of the cycle parking shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as approved and then maintained thereafter in that state.

Reason: To provide residents a choice of means of travel and to promote sustainable travel.

08 Prior to the occupation of the apartment building hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the building is occupied and shall be retained thereafter;

Reason: In the interests of visual amenity.

09 Prior to the commencement of the use hereby approved full details of the bin storage, to include elevations and finish detail, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as approved and then maintained thereafter in that state.

Reason: To ensure adequate bin storage is provided for the site in the interest of visual and residential amenity.

General conditions

10 Notwithstanding the approved plans, a Juliet balcony shall not be installed to the northern side elevation facing no. 2 Eastfield Road at first floor level to serve flat 6.

Reason: in the interest of protecting the residential amenity of neighbouring occupants

11 All first floor windows in the south-eastern elevation shall be obscure glazed and shall be retained in this condition in perpetuity.

Reason: in the interest of protecting the residential amenity of neighbouring occupants

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site location plan, Acstro Parking Survey, Existing Site Plan, Existing Constraints Plan, Pleached tree sketch detail, Asbestos Report, Site Investigation Report, Presentation Board, Presentation Board 1, Presentation Board 2, Air Quality Management Report, General Arrangement Plan, Drainage layout, Slab and Floor Levels, Proposed Site Sections, Proposed roof plan, Proposed Elevation, Proposed Street Elevations, Proposed Flat Layouts, Proposed Site Layout, Drainage Report.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP10, GP2, GP4, GP5, GP6, GP7, H2m H4, H8, T4 and W3 were relevant to the determination of this application.

03 The Supplementary Planning Guidance for New Dwellings, Affordable Housing and Parking Standards (Adopted August 2015) were relevant to the determination of this application.

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

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

06 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.

APPLICATION DETAILS

No: 16/1016 Ward: **CAERLEON**

Type: Full

Expiry Date: 11-DEC-2016

Applicant: NEWPORT CITY HOMES

Site: SITE OF FORMER GARAGES, EASTFIELD ROAD, CAERLEON, NEWPORT

Proposal: CONSTRUCTION OF TWO STOREY BUILDING TO INCLUDE 6NO. 1 BEDROOM FLATS, ASSOCIATED PARKING, ALTERATIONS TO EXISTING ACCESS, NEW BOUNDARY TREATMENTS AND ASSOCIATED WORKS

1. LATE REPRESENTATIONS

- 1.1 The agent has amended plans to address concerns within the officer committee report about the opening of bin stores onto the rear lane and the provision of a balcony at first floor level in the northern elevation facing 2 Eastfield Road.
- 1.2 Plans now show side opening bin stores so not to obstruct the rear access road and the Juliette balcony to the northern elevation has been removed. No other changes are proposed. This negates the need for condition 10 on the committee report and condition 01 will be amended to include the most recent version of plans.

2. OFFICER RECOMMENDATION

- 2.1 That the application is granted with conditions subject to a section 106 agreement with delegated authority to refuse permission if the agreement is not completed within 3 months of the resolution to grant planning permission.

APPLICATION DETAILS

No: 16/0526 **Ward:** *BETTWS*

Type: FULL (MAJOR)

Expiry Date: 21-DEC-2016

Applicant: *T. HARRIS, CHARTER HOUSING ASSOCIATION*

Site: *BETTWS DAY NURSERY, DON CLOSE, BETTWS, NEWPORT, NP20 7RT*

Proposal: *DEMOLITION OF EXISTING NURSERY BUILDINGS AND THE DEVELOPMENT OF 10NO. SEMI DETACHED HOUSES, A BLOCK OF 6NO. ONE BEDROOM FLATS WITH ASSOCIATED ENGINEERING WORKS*

RECOMMENDATION: GRANTED WITH CONDITIONS SUBJECT TO A SECTION 106 LEGAL AGREEMENT WITH DELEGATED AUTHORITY TO REFUSE PERMISSION IF THE AGREEMENT IS NOT COMPLETED WITHIN 3 MONTHS OF THE RESOLUTION TO GRANT PLANNING PERMISSION.

1. INTRODUCTION

1.1 This application seeks permission for the demolition of the disused Bettws Day Nursey on Don Close / Monnow Way in Bettws and its replacement by 10 No. semi-detached houses (5 units) and 6 No. one bedroom flats. Associated parking and landscaping will be provided.

	Height (m)	Width (m)	Depth (m)	No. of units	No. of Bed rooms per unit & (in total)	No. of Parking spaces
Flats	To ridge 9.16 To eaves 5.9	19.5	15.75	6	1 (6)	7
House Type A	To ridge 8.0 To eaves 4.8	5.34	10.10	9	2 (18)	21
House Type B	To ridge 8.0 To eaves 4.8	5.87	10.10	1	3 (3)	4
Totals				16	(27)	32

1.2 The development will be built out as a series of perimeter blocks with the flats and one pair of semis facing Monnow Way, one pair of semis facing Humber Road and three pairs of semis facing into Don Close. An area of landscaping will be provided on the prominent Humber Close / Monnow Way junction and there are opportunities for tree and hedge planting elsewhere on the site. The houses have combined drives / parking that accesses onto the relevant roads and a small access road serves the flats from Monnow Way and gives access to the parking for the flats. All units will have access to a rotary drier and have appropriate bin / recycling storage provision. Each house will have a modest rear garden and a shed.

1.3 The houses are of a traditional appearance with the proposed materials being brick and render. Each house will have an over door canopy and small roof gable to add visual interest. The block of flats reflects the appearance of the houses using brick and render panels. The roof is hipped to reduce bulk at height and visual interest is added by the provision of gable features accommodating Juliet style balconies.

2. RELEVANT SITE HISTORY

None.

3. POLICY CONTEXT

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

Policy	Wording
SP1 - Sustainability	<p>Proposals will be required to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary. they will be assessed as to their potential contribution to:</p> <ul style="list-style-type: none"> i) the efficient use of land; ii) the reuse of previously developed land and empty properties in preference to greenfield sites; iii) providing integrated transportation systems, as well as encouraging the co-location of housing and other uses, including employment, which together will minimise the overall need to travel, reduce car usage and encourage a modal shift to more sustainable modes of transport; iv) reducing energy consumption, increasing energy efficiency and the use of low and zero carbon energy sources; v) the minimisation, re-use and recycling of waste; vi) minimising the risk of and from flood risk, sea level rise and the impact of climate change; vii) improving facilities, services and overall social and environmental equality of existing and future communities; viii) encouraging economic diversification and in particular improving the vitality and viability of the city centre and district centres; ix) conserving, enhancing and linking green infrastructure, protecting and enhancing the built and natural environment; x) conserving and ensuring the efficient use of resources such as water and minerals.
SP12 – Community Facilities	Development that affects existing community facilities should be designed to retain or enhance essential facilities.
SP13 – Planning Obligations	<p>Development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of its location.</p> <p>this list is not exhaustive, but the following are infrastructure priorities that developments will be expected to provide or contribute to in order to mitigate any negative consequences of development:</p> <ul style="list-style-type: none"> • educational facilities and/or their upgrades; • affordable housing; • improvements to the highway network, including walking and cycling routes and public transport; • outdoor recreation; • protection, enhancement and management of the natural, historic and built environments; • community facilities and/or their upgrades; and • improvements to the public realm.
SP18 – Urban Regeneration	<p>Proposals will be favoured which assist the regeneration of the urban area, particularly where they contribute to:</p> <ul style="list-style-type: none"> 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.
GP2 – General Amenities	Development will be permitted where, as applicable:

	<p>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;</p> <p>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;</p> <p>iii) the proposal seeks to design out the opportunity for crime and anti-social behaviour;</p> <p>iv) the proposal promotes inclusive design both for the built development and access within and around the development;</p> <p>v) adequate amenity for future occupiers.</p>
GP3 – Service Infrastructure	<p>Development will be permitted where, as applicable:</p> <p>i) necessary and appropriate service infrastructure either exists or can be provided;</p> <p>ii) in areas served by the public foul sewer, there is capacity for the development within the system or, if not, satisfactory improvements are provided by the developer; in areas served by the public foul sewer, development will not be permitted with connections to private facilities unless there are exceptional circumstances that prevent connection to the public sewer.</p>
GP4 – Highways & Accessibility	<p>Development proposals should:</p> <p>i) provide appropriate access for pedestrians, cyclists and public transport in accordance with national guidance;</p> <p>ii) be accessible by a choice of means of transport;</p> <p>iii) be designed to avoid or reduce transport severance, noise and air pollution;</p> <p>iv) make adequate provision for car parking and cycle storage;</p> <p>v) provide suitable and safe access arrangements;</p> <p>vi) design and build new roads within private development in accordance with the highway authority’s design guide and relevant national guidance;</p> <p>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.</p>
GP6 – Quality of Design	<p>Good quality design will be sought in all forms of development. the aim is to create a safe, accessible, attractive and convenient environment. in considering development proposals the following fundamental design principles should be addressed:</p> <p>i) context of the site: all development should be sensitive to the unique qualities of the site and respond positively to the character of the area;</p> <p>ii) access, permeability and layout: all development should maintain a high level of pedestrian access, connectivity and laid out so as to minimise noise pollution;</p> <p>iii) preservation and enhancement: where possible development should reflect the character of the locality but avoid the inappropriate replication of neighbouring architectural styles. the designer is encouraged to display creativity and innovation in design;</p> <p>iv) scale and form of development: new development should appropriately reflect the scale of adjacent townscape. care should be taken to avoid over-scaled development;</p> <p>v) materials and detailing: high quality, durable and preferably renewable materials should be used to complement the site context. detailing should be incorporated as an integral part of the design at an early stage;</p> <p>vi) sustainability: new development should be inherently robust, energy and water efficient, flood resilient and adaptable, thereby facilitating the flexible re-use of the building. where existing buildings are present, imaginative and sensitive solutions should be sought to achieve the re-use of the buildings.</p>
H3 – Housing Mix and Density	<p>Residential development of 10 dwellings or more should be designed to provide a mix of housing to meet a range of needs and should be built at a density of at least 30 dwellings per hectare. a lower density will only be acceptable where it is</p>

	<p>demonstrated:</p> <p>i) physical or infrastructure constraints prevent the minimum density from being reached, or;</p> <p>ii) the minimum density would have an unacceptable impact on design/character of the surrounding area, or;</p> <p>iii) there is a particular lack of choice of housing types within a local community.</p>
H4 – Affordable Housing	<p>On-site provision of affordable housing will be required on all new housing sites of 10 or more dwellings within the settlement boundary, or 3 or more dwellings within the defined village boundaries.</p> <p>the authority will seek the provision of affordable housing in accordance with the relevant submarket area target noted below;</p> <p>10% Malpas and Bettws</p> <p>Specific site targets may vary subject to viability and negotiation. For new housing sites of fewer than 10 dwellings within the settlement boundary, or fewer than 3 dwellings within the defined village boundaries, the council will seek a commuted sum contribution. The affordable housing SPG clarifies the methodology for calculating the commuted sum payments.</p>
T4 – Parking	<p>Development will be required to provide appropriate levels of parking, within defined parking zones, in accordance with adopted parking standards.</p>
CF12 – Protection of Existing Community Facilities	<p>Proposals that would result in the loss or change of use of buildings currently used for community facilities will only be permitted if:</p> <p>i) alternative provision can be made, of at least an equal benefit to the local population; or</p> <p>ii) it can be demonstrated that the existing provision is surplus to the needs of the community.</p>

4. CONSULTATIONS

- 4.1 HEDDLU GWENT POLICE (DESIGNING OUT CRIME): No objection and recommends adherence with the ‘Secured by Design’ standards.
- 4.2 DWR CYMRU / WELSH WATER (DCWW): Advise that suitable water provision and sewerage arrangements can be made. DCWW advise that local surface water drains are in private ownership and the developer should seek the relevant agreement before connecting to these assets. DCWW confirm a water main crosses part of the site and that a suitable easement should be maintained. Conditions are recommended in the event permission is granted to control surface water drainage.
- 4.3 GWASANAETH TÂN AC ACHUB DE CYMRU / SOUTH WALES FIRE & RESCUE SERVICE: The developer should ensure there is a sufficient water supply to fight fires and that fire engines can access the site.
- 4.4 WESTERN POWER DISTRIBUTION: Advise of equipment in the area and safe working practices.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE & CITY SERVICES (HIGHWAYS): No objection.
- 5.2 HEAD OF STREETSCENE & CITY SERVICES (LANDSCAPING): No fundamental objections but offers advice on improving the proposed landscaping by planting additional trees in 3 areas of the site.

- 5.3 HEAD OF STREETSCENE & CITY SERVICES (ECOLOGY): No bats were recorded during the survey. A house sparrow was recorded nesting on the building therefore any demolition should be undertaken outside bird nesting season. Two bird boxes should be erected on the site as compensation for the loss of the nest.
- 5.4 HEAD OF STREETSCENE & CITY SERVICES (TREES): Retained trees should be clearly marked on the layout plan, the impact of any regrading of site levels within the site should be made clear, shrubs should not be planted within the root protection areas of trees to reduce competition for nutrients. The layout offers opportunities for tree planting and these should be taken advantage of.
- 5.5 PUBLIC PROTECTION MANAGER (NOISE): No objection but advises that a 'Construction and Environmental Management Plan' be required under condition to protect local amenity.
- 5.6 HEAD OF REGENERATION, INVESTMENT & HOUSING (HOUSING STRATEGY): Housing Services fully support the application for the proposed affordable dwellings.
- 5.7 HEAD OF REGENERATION, INVESTMENT & HOUSING (PLANNING POLICY): Identifies relevant policies and concludes the proposal is policy compliant.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties within 50m of the application site were consulted (55 properties) and a site notice was displayed. A press notice was published in the South Wales Argus on the 11 August 2016. Twenty objections were received (some repeat comments following a re-consultation) making the following comments:

- Contractors will park in the road using up available spaces.
- There is not enough parking in Don Close.
- People use the space outside the nursery to park in and this will be lost.
- New residents will not use their parking spaces and will park in the road.
- Emergency vehicles will not be able to enter Don Close because it is narrow and will be overparked.
- The building process will inconvenience existing residents.
- Children will have nowhere to play.
- Bettws is crowded and this will make it worse.
- The flats will be overbearing.
- Bettws has inadequate facilities which are now overburdened following the completion of recent developments.
- The junction of Bettws Lane and Malpas Road is overburdened and it can take 45 minutes to get off the estate currently. This will make it worse.
- Treecover on the site will be lost.
- Bat roosts will be disturbed.
- The buildings should be retained for community use.
- The new access onto Monnow Way would be unsafe.
- New residents will not be able to turn off their drives because Don Close is too narrow.
- Residents will quarrel about oversubscribed on-street parking.
- Residents in Don Close have been refused drop kerbs.
- The proposal will overdevelop the site.
- No houses should face onto Don Close since it is too narrow to accommodate additional traffic.
- The site should be used to provide bungalows for the elderly.
- Residents were not properly consulted.
- There is insufficient play space in Bettws for children.
- Future occupiers will be anti-social.
- The current building offers little to the area.
- The flats will overlook existing houses.
- There will be construction noise and noise created by the new residents.
- The new buildings will have a greater mass than the existing ones.

6.2 COUNCILLOR WHITEHEAD

6.2.1 Makes the following comments:

- My comments are concerning the development at Don Close Nursery, it has become a concern on Bettws regarding the amount of residential development which has sprung up in recent years such as Foxglove Meadows and the small bungalow areas at Ribble Walk and Lambourne Walk.
- Now we have more development planned and granted at Foxglove Meadows running along Bettws Hill to the entrance of Dart Road. The old Merry Miller has been granted planning permission for building flats, the Glen Court site will also have new buildings on it.
- Has Newport Council City actually taken into account the massive lack of infrastructure on Bettws which is already struggling in relation to Doctors, Dentists, Schools and Nurseries? Also Bettws Lane at peak times can be utter chaos with cars the length and breadth of the lane up to Bettws Garage. What real community facilities do we have on Bettws to also cope with the extra influx of many more people?
- These are the conversations I'm having with residents on a weekly basis, by all means grant planning but supplement the estates infrastructure to cope with it.

7. ASSESSMENT

7.1 The key issues relevant to the determination of this application are:

- Impact of the Proposal on the Character & Appearance of the area
- Impact of the Proposal on the wider Highway Network
- Impact of the proposal on local parking arrangements
- Impact of the proposal on residential amenity
- Loss of a Community Facility

7.2 Minor Issues are:

- Section 106 matters
- Ecology
- Impact of construction on amenity
- Playspace / characteristics of future occupiers

7.3 Character & Appearance

7.3.1 The site slopes gently downwards from south east to the north west and contains two single storey buildings of 1970s vintage which are currently unused. There is a small area of hardstanding to the front of the site (facing Monnow Way) used for parking and the rest of the site is landscaped with some mature trees at the rear of the building facing onto Don Close. There is a large area of grass verge on the Humber Close / Monnow Way junction which is typical of the landscaped areas of Bettws.

7.3.2 The proposal is for a two storey block of flats and 5 pairs of semi-detached houses. The scale of the proposed development is larger than what is currently on the site but typical of the estate as a whole and not out of character. The applicant has provided cross-sections that show the flats (the tallest part of the proposal) would not be overbearing on the houses on the northern side of Monnow Way which are set down from the site due to the degree of separation. The houses on Don Close are set up from the site and there would be no overbearing impact on them. Separation distances are approximately 25m between the houses on Monnow Way and the development and approximately 21m between the proposed houses facing onto Don Close and the existing houses across the road. This level of separation would give acceptable levels of inter-visibility.

7.3.3 In general terms most houses in the vicinity are mainly pebble dashed with some brick panelling and grey tile roofs. Most originally had a small over door flat canopy. Semi-

detached and terraced forms are typical on this part of the estate. The new buildings will be mainly brick with rendered panels and will have gable features and pitch-roofed over door canopies. The new buildings are traditional in design and materials but will be clearly different to those around them. However the site is contained and any differences will not be jarring. The design and material of the proposed buildings is acceptable and compliant with Policy GP6i (context of the site), GP6iv (scale and form) 7 GP6v (materials).

- 7.3.4 The proposal will reduce the level of greenery on the site and will result in the loss of mature trees. Policy GP5vii requires tree retention where appropriate. In this case the trees are not protected but do beneficially add to the landscaping of the current site. However the proposal although increasing the built footprint of the site and resulting in the loss of vegetation does offer scope for landscaping and will retain a significant area for landscaping on the prominent Humber Close / Monnow Way junction. Other parts of the site offer opportunities for planting outside of private gardens including to the rear of the flats and alongside the access road into the site. Overall the loss of greenery and the scope for re-planting which can be secured under condition means that the any loss of greenery is not harmful overall and the proposal is acceptable in landscape terms and preserves the 'green setting' of Bettws.

7.4 Highway Impact

- 7.4.1 Significant objection has been raised in terms of the impact of the proposal on the wider highway network with a particular focus on the Bettws Lane / Malpas Road junction at peak times. Delays of up to 45 minutes exiting the estate are reported. The Head of Streetscene & City Services has not objected to the proposal and there is no reason to think the traffic generation from a development of this scale would have an unacceptable impact on the local highway network in terms of overburdening the network. Policy GP3i (infrastructure) is complied with.

- 7.4.2 The Head of Streetscene & City Services has raised no concerns in relation to the proposed entrance in terms of visibility and safety. The applicant has proposed to slightly widen Don Close and has provided track testing to show vehicles can exit the proposed drives onto Don Close even if a vehicle up to Transit van size is parked opposite. The proposal will not reduce the on-street parking in Don Close and each new house will have one parking space per bedroom meaning it is unlikely there will be an unacceptable increase in demand for on-street parking in Don Close.

7.5 Parking

- 7.5.1 32 parking spaces are provided which is one per bedroom plus an additional 5 spaces. This is fully compliant with the Council's Supplementary Planning Guidance 'Parking' without the application of any sustainability assessment. The SPG requires 1 space per bedroom up to a maximum of three spaces and visitor spaces at a ratio of 1 space per 5 units. This scheme would therefore require 27 spaces for the dwellings (27 bedrooms) and 4 visitor spaces. As such there is an over provision of one parking space within the development.

- 7.5.2 The public are currently using the hardstanding on Monnow Way for parking (approximately 9 spaces). However the land is private property and the owner could prevent this use at any time. As such the loss of this private parking can be given very little weight although it will add to the on-street parking demand in the vicinity.

7.6 Residential Amenity

- 7.6.1 As noted at Paragraph 7.3.2 separation distances are acceptable in relation to existing dwellings and no overbearing impact will be evident. Internally window to window separation will be of the order of 20m which is marginally below the 21m standard but is

considered acceptable. In two relationships rear windows will face towards the gable ends of neighbouring dwellings with the separation distances being below the 14m desirable separation. In one instance the deficiency is approximately 1m and is not considered harmful given the elevated position of the affected dwelling. In the second case the separation is 8.5m and significantly deficient. However the room affected is served by two windows with only one facing directly onto the gable end. As such the amenity for future occupiers would be acceptable.

7.6.2 Garden depths are between 7 and 9m and fall below the required 10m standard. However the houses are set back from the highways reflecting the general development pattern in the area. This is a desirable feature of the development and does not leave the rear gardens as being unacceptably small. There is sufficient room for a shed, a rotary drier and storage of recycling facilities whilst leaving a modest area for sitting out. Gardens will slope but there is no indication that levels will be too steep to make the gardens useable. Outdoor amenity space is not overgenerous but is marginally acceptable for dwelling houses. The flats will have a communal area for drying clothes, for storage of bins and a cycle store. The flats have limited outdoor space but this is an accepted part of living in a flat and Bettws has good levels of accessible green space some of which is within 200m of the site. Overall outdoor amenity space is acceptable. Policies GP2ii (visual amenity) & GP2v (amenity of future residents) are met.

7.6.3 The sloping nature of the site will necessitate the provision of a retaining wall to provide suitable development levels within the scheme and to enable appropriate levels for easy access. Gardens will slope but all the units will have some level garden and other areas of garden on an acceptable slope. The retaining wall will vary in height but will be approximately 1.5 – 2.0m high to the rear of the houses facing Monnow Way and Humber Road. This is high and will appear higher with a boundary treatment on top of it. However the sloping nature of the site and the need to secure level development platforms makes this a necessity and it is not considered that the impact on the amenity of the garden areas will be so great as to be unacceptable. It is proposed to control materials to ensure the appearance of the walls and fencing is acceptable. At the rear of the parking area for the flats the retaining wall will be up to 2.8m high but this is not a sensitive area and that level of impact is acceptable. To the rear of the flats the slope will not be retained but will be battered back at approximately 45 degrees, this is also acceptable.

7.7 Loss of a Community Facility

7.7.1 The building is currently disused but was formerly a Day Nursery. The site was last used in 2014 after new nurseries were opened in Monnow and Millbrook Primary Schools. The building is currently in Council ownership but a buyer is being sought. In planning terms the building remains a community facility despite not being in use. Policy CF12 allows the loss of such facilities if they can be shown to have been adequately replaced or are surplus to local needs. Given the children who previously attended the nursery are now attending alternative provision at local primary schools there has been no unacceptable loss of a local facility and the Policy is complied with.

7.8 Section 106

7.8.1 The applicant has confirmed they are prepared to enter into a S106 agreement that will secure contributions for:

- 10% affordable housing or a commuted sum.
- Formula based sums for education.
- Formula based sum for leisure.
- A monitoring fee.

7.8.2 Contributions will only be levied in the event the development is not delivered as 100% affordable. Under policy, only 10% of the units can be secured by legal agreement but if the development is delivered as being 100% affordable as expected then no contributions will be levied.

7.9 Ecology

7.9.1 The Ecology Officer confirms she is content that the proposal will not have any adverse impact on bats, a European protected species.

7.9.2 A condition requiring the provision of nesting boxes will acceptably mitigate for the loss of onsite nesting opportunities.

7.10 Impact of Construction Activities

7.10.1 The site is surrounded by dwellings, the impact of construction activities can be mitigated by the application of a Construction Environment Management Plan as advised by the Public Protection Manager. It is not a reason to withhold permission.

7.11 Playspace / characteristics of future occupiers

7.11.1 There is a playground at the end of Humber Close approximately 300m from the site. The current site is not an area children can currently play on and there is an area of open grassland immediately to the west of the site of approximately 0.18Ha in size which could accommodate informal play. As noted accessible natural greenspace is within 200m of the site. Overall it is not considered the proposal would cause any loss of any existing play space or place any unreasonable demands upon existing play space.

7.11.2 The accommodation is proposed to be 100% affordable. There is no reason to think the future occupiers will be anti-social or cause any increase in crime in the area.

8. **OTHER CONSIDERATIONS**

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

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

8.2 ***Equality Act 2010***

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

8.7 ***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 proposal is acceptable and permission should be granted subject to conditions.

10. **RECOMMENDATION**

GRANTED WITH CONDITIONS SUBJECT TO A SECTION 106 LEGAL AGREEMENT WITH DELEGATED AUTHORITY TO REFUSE PERMISSION IF THE AGREEMENT IS NOT COMPLETED WITHIN 3 MONTHS OF THE RESOLUTION TO GRANT PLANNING PERMISSION.

Plans Condition

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

- Drawing 2907 101 A - Drainage Schematic
- Drawing 3012 G(9-)L1 H – Proposed Site Layout
- Drawing 3012 G(9-)X1 – Proposed Cross Sections
- Drawing 3012 A(2-)E1 A – House Type A Elevations
- Drawing 3012 A(2-)L1 A - House Type A Plans
- Drawing 3012 B(2-)L1 A – House Type B Plans
- Drawing 3012 C(2-)E1 B – Apartment Block C GA Elevations
- Drawing 3012 C(2-)L1 B – Apartment Block C GA Floor Plans Level 01
- Drawing 3012 G(9-)X1 A – Proposed Cross Sections
- Drawing 3012 B(2-)E1 A – House Type B Elevations
- Drawing 3012 C(2-)LO B – Apartment Block C GA Floor Plans Level 00

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

CEMP

02 No development, to include demolition, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following during development:

- dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition Activities';
- details of temporary lighting;
- details of enclosure of working areas;

- details of off-road contractor parking;
- position and dimensions of the site office and workers welfare buildings;
- details of the position of any plant;
- details of the position of storage compounds and any spoil tips.

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

Reason: To protect the amenities of nearby residents.

Pre – construction conditions

Landscaping

03 Before the development, other than demolition, is commenced, written approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs). The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April inclusive.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner.

Road Construction details

04 No development, other than demolition, shall commence until full details of the layout, widths, gradients and means of construction of all carriageways and footpaths, details of means of access from existing roads and details of all foul and surface water sewers has been submitted to and approved in writing by the Local Planning Authority. With the exception of the final wearing course, the development shall be completed in accordance with the details as approved prior to the first occupation of any building. The final wearing course shall be completed prior to the first occupation of the last building.

Reason: To ensure that the roads shall be constructed and sited to the satisfaction of the Council so far as to provide a proper means of access for traffic and to ensure that the land can be adequately drained.

Pre-occupation conditions

Details of bike store / bin store

05 Details of the bike store and arrangements for bin & recycling container storage to serve the flats shall be provided to the Council. Following the Council's written approval of those details the stores shall be provided as agreed prior to the occupation of the flats and retained as agreed thereafter.

Reason: to ensure the proper storage of bins and recycling containers in the interest of amenity and to improve the sustainability credentials of the scheme by encouraging cycling.

Boundary Treatments

06 Notwithstanding the submitted details full details of all boundary treatments and retaining walls proposed for the site shall be provided in writing to the Council. Details shall include the heights of any retaining walls and the materials to be used to build those retaining walls. Following the Council's written agreement to the submitted details the boundary treatments and retaining walls shall be installed as agreed prior to the occupation of any unit to which those boundary treatments or retaining walls relate.

Reason: to ensure high levels of visual amenity and an appropriate design standard is achieved on the site.

General conditions

Drainage

07 Foul water and surface water must be discharged separately from the site. No surface water or land drainage run off shall be allowed to connect to any foul or combined sewer without the Council's written approval.

Reason: to ensure the site is adequately drained and so as not to overload the local sewerage system.

Parking

08 No use shall be made of the buildings hereby approved until the parking and access arrangements have been provided (and surfaced in accordance with condition 04 where relevant or in accordance with the details of drawing 3012 G(9-) L1H where relevant). Thereafter, these areas shall be kept available for parking purposes at all times.

Reason: to ensure that adequate off-street parking provision is provided in the interests of highway safety and residential amenity.

Parking Management

09 Prior to the occupation of any of the approved flats a scheme to show how parking space V1 identified in Drawing 3012 G(9-) L1H shall be kept permanently and genuinely available for visitors shall be provided to the Council. Following the Council's written agreement the space shall be managed as agreed.

Reason: to ensure visitor parking is genuinely available.

Ecological Mitigation

10 Details of two bird boxes including where they will be located and when they will be installed shall be provided to the Council in writing. Thereafter they shall be installed in accordance with the approved details.

Reason: to mitigate for the loss of bird nesting opportunities on the site.

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- Drawing 2907 101A - Drainage Schematic
- Drawing 3012 G(9-)L1 H – Proposed Site Layout
- Drawing 3012 G(9-)X1 – Proposed Cross Sections
- Drawing 3012 A(2-)E1A – House Type A Elevations
- Drawing 3012 A(2-)L1 A - House Type A Plans
- Drawing 3012 B(2-)L1 A – House Type B Plans
- Drawing 3012 C(2-)E1 B – Apartment Block C GA Elevations
- Drawing 3012 C(2-)L1 B – Apartment Block C GA Floor Plans Level 01
- Drawing 3012 G(9-)X1 A – Proposed Cross Sections
- Drawing 3012 B(2-)E1 A – House Type B Elevations
- Drawing 3012 C(2-)LO B – Apartment Block C GA Floor Plans Level 00
- Drawing 3012 G(90)L2 – Location Plans
- Drawing 2907 102 B – Vehicle Tracking
- Design & Access Statement (May 2016)
- Design & Access Statement Addendum (September 2016)
- Ecological Survey (September 2016) (BAT7815 Rev. 1)
- Drainage Strategy (May 2016)
- Tree Survey (December 2015)
- Preliminary Ecological Appraisal (March 2016)
- Tree Constraints Plan

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP12, SP13, SP18, GP2, GP3, GP4, GP6, H3, H4, T4 and CF12 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 Council's Supplementary Planning Guidance – 'Parking Standards' (2015) and 'New Dwellings' (2015) were adopted following consultation and were 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.

APPLICATION DETAILS

No: 16/0781 **Ward:** STOW HILL

Type: FULL (MAJOR)

Expiry Date: 09-DEC-2016

Applicant: *KINGSWAY INVESTMENTS (NEWPORT) LLP*

Site: *LAND AND BUILDINGS ENCOMPASSING 68 TO 72 COMMERCIAL STREET AND EMLYN HOUSE, EMLYN WALK, NEWPORT*

Proposal: *HYBRID APPLICATION PROVIDING: FULL DETAILS FOR THE DEMOLITION OF EXISTING BUILDINGS, DEMOLITION OF AND INSTALLATION OF NEW WINDOWS AT WILKINSONS STORE, INSTALLATION OF NEW SERVICE STAIRS AND CONSTRUCTION OF WALL TO SEPARATE SERVICE YARD, CREATION OF NEW PUBLIC REALM SQUARE AND ASSOCIATED HARD AND SOFT LANDSCAPING. OUTLINE DETAILS (ALL MATTERS RESERVED) FOR THE PROVISION OF A REPLACEMENT BUILDING, (FLEXIBLE USE A1, A2, A3, B1, D1 AND D2)*

Recommendation: **GRANTED WITH CONDITIONS**

1. INTRODUCTION

- 1.1 The application seeks detailed planning permission for the demolition of 68-72 Commercial Street and Emlyn House and the creation of a new public square and alterations to the Wilkinsons store and servicing areas. Outline planning permission, with all matters reserved for subsequent approval, is also sought on part of the site for the construction of a new building for uses falling within Classes A1, A2, A3, B1, D1 and D2.
- 1.2 The scale parameters of the proposed building would be: Height: 12m-20m, Width: 12m-20m and Depth: 28m-38m. A plan has also been submitted showing the maximum footprint of the building. This would be immediately adjacent to 75 Commercial Street, thereby allowing access to the Kingsway Shopping Centre, service areas and a large proportion of the proposed public square to remain.
- 1.3 The proposal has been subject to pre-application discussions between the applicant, agent and the Planning Department, with input from a variety of other Council departments, particularly the Regeneration Section. The scheme is considered to be of strategic importance for the continued regeneration of the City Centre.
- 1.4 The application site is located within the Town Centre Shopping Area and the elevation along Emlyn Walk forms part of the Secondary Shopping Frontage. The site also lies within an Archaeologically Sensitive Area and within Zone B Flood Risk Area, defined by Technical Advice Note 15. The site is deemed to be within Zone 1 of the Council's Parking Standards Supplementary Planning Guidance.
- 1.5 The site lies outside any designated Conservation Area, although it is approximately 70m from the Town Centre Conservation Area to the north and approximately 90m from St. Woolos Conservation Area which is to the west. Lower Dock Street Conservation Area is to the east of the application site at an approximate distance of 80m. The nearest Listed Building is St. Paul's Church which is approximately 85m to the south of the application site.

2. RELEVANT SITE HISTORY

02/1391	REDEVELOPMENT OF THE KINGSWAY SHOPPING CENTRE AND ASSOCIATED DEVELOPMENT INCLUDING NEW RETAIL DEVELOPMENT (INCLUDING NEW DEPARTMENT AND FOOD STORES), RECONFIGURATION OF BUS STATION, CONSTRUCTION OF HOTEL, A3 UNITS, D2 UNITS, RESIDENTIAL DEVELOPMENT, REPLACEMENT OF EXISTING MULTI-STOREY CAR PARKS AND ASSOCIATED HIGHWAY WORKS	Granted with Conditions 27/03/2008
05/0977	ALTERATIONS AND EXTENSION OF EXISTING SHOPPING CENTRE	Granted with Conditions 11/01/2006

3. POLICY CONTEXT

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

Policy SP1 Sustainability favours proposals which make a positive contribution to sustainable development.
Policy SP2 Health promotes development which has a positive contribution to health and well-being by being in a sustainable location, close to walking/cycling routes and green infrastructure.
Policy SP3 Flood Risk ensures development is directed away from flood risk areas.
Policy SP4 Water Resources favours developments that minimises water consumption, incorporates SUDs and generally manages water resources and drainage effectively.
Policy SP9 Conservation of the Natural, Historic and Built Environment protects habitats and species as well as Newport’s listed buildings, conservation areas, historic parks and gardens, scheduled ancient monuments, archaeologically sensitive areas and landscape designated as being of outstanding historic interest.
Policy SP13 Planning Obligations 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 GP1 General Development Principles – Climate Change states that development should be designed to withstand predicted climate change and reduce the risks and consequences of flooding, minimise energy requirements, reuse/recycle construction material and meet the relevant BREEAM or Code for Sustainable Homes Level.
Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
Policy GP3 General Development Principles – Service Infrastructure states that development will only be provided where necessary and appropriate service infrastructure either exists or can be provided. This includes power supplies, water, means of sewage disposal and telecommunications.
Policy GP4 General Development Principles – Highways and Accessibility states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.

<p>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.</p>
<p>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.</p>
<p>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.</p>
<p>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.</p>
<p>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.</p>
<p>Policy T4 Parking states that development will be expected to provide appropriate levels of parking.</p>
<p>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.</p>
<p>Policy R3 Non-Retail Uses in Secondary City Centre Shopping Areas states the secondary shopping frontage is defined on the City Centre inset. Proposals for non-retail uses in the secondary frontages will be permitted provided that the proposal does not result in a break of the retail frontage of more than 20m; would not result in a gap in the retail frontage of more than 2 units; at least 60% of any frontage length is maintained in retail use; does not involve a prominent or corner unit; would not adversely affect local residential amenity; any anticipated environmental disturbance can be controlled using conditions or noise abatement zone; and the development is accessible in terms of public transport provision and pedestrian movement.</p>
<p>Policy R4 Non-Retail Uses in Other City Centre Shopping Areas states that non-retail uses in the City Centre outside of the primary and secondary shopping frontage areas will be permitted providing that the development would not adversely affect local residential amenity; have any anticipated environmental disturbance; and the development is accessible in terms of public transport.</p>
<p>Policy W3 Provision for Waste Management Facilities in Development states that where appropriate, facilities for waste management will be sought on all new development.</p>

4. CONSULTATIONS

4.1 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST (GGAT)

No objections to the proposal.

4.2 DWR CYMRU/WELSH WATER

No objections to the proposal subject to advisory notes.

4.3 NATURAL RESOURCES WALES (NRW)

No objections to the proposal.

4.4 THE VICTORIAN SOCIETY

We object to the demolition of the buildings at 123-126 and 68 Commercial Street, which would harm the setting of the adjacent Town Centre Conservation Area and would erode the well preserved Victorian and Edwardian streetscape that characterises much of central Newport.

4.5 The two application sites comprise six buildings on Commercial Street. Of them, four – numbers 123-126 on the west side and number 68 on the east – make a positive contribution to the consistent and rich local historic streetscape. In close proximity to the proposed development sites is the southern boundary of the Town Centre Conservation Area. As the Council's website notes, the Conservation Area is defined by attractive late Victorian and Edwardian buildings. By virtue of their attractive detailing, coherence of scale, grain, materiality and their architectural and aesthetic merit, the buildings at 123-126 and 68 Commercial Street must be considered of the type that define the special qualities of the Conservation Area.

4.6 Furthermore, the prominence and proximity of the sites in relation to the Conservation Area mean that they play a significant role in providing and enhancing the setting of the Conservation Area and views into and through it. On the basis of the merit of many of the buildings on this stretch of Commercial Street, and their evident similarities with the Street's northern section, we would urge the Council to consider extending the boundaries of the Conservation Area. There is surely a strong case to extend it at least as far as the Grade II-listed St Paul's Church, though the majority of the buildings on both sides of Commercial St south of the church would, in our view, also merit inclusion.

4.7 The demolitions proposed would entail the loss of four attractive historic buildings of a type that help create much of Newport's architectural identity. It would be detrimental to the setting of the adjacent Conservation Area, harming views into and through it, and would erode its special interest. This harm would be compounded by the highly inappropriate developments proposed. That on the west side would be of a typology without real precedent in the immediate context, possessing characteristics and a scale that would be alien, incongruous and damaging to the historic character of the area and the setting of the Conservation Area. On the east side the creation of a square would fracture Commercial Street's well preserved and characteristic scale and building line and would have a similarly detrimental impact on views and setting of the Conservation Area. Both developments should be resisted. In light of the above we object to both these application and urge you to refuse them consent.

5. INTERNAL COUNCIL ADVICE

5.1 PLANNING POLICY MANAGER

National planning policy (Planning Policy Wales Edition 9) adopts a 'town centre first' principle whereby consideration should always be given in the first instance to locating new retail and commercial development within an existing centre. The proposal is for a mixture of uses within the City Centre. PPW is clear that wherever possible, retail provision should be located in proximity to other commercial businesses, leisure and community facilities, employment and housing. Such co-location of retail and other uses in existing centres, with enhancement of access by walking, cycling and public transport, provides the opportunity to use means of transport other than the car. This mix of uses sustains and enhances the vibrancy, attractiveness and viability of those centres as well as contributing to an increase in linked trips and a reduction of travel demand. PPW goes on to recognise that although retailing (A1 uses) should continue to underpin retailing and commercial centres, it is only one of the factors which contribute towards their vibrancy. Policies should encourage a diversity of uses in centres. Other appropriate retail and commercial centre uses are financial and professional services (A2), food and drink (A3), offices (B1), hotels (C1), educational and other non-residential establishments (D1), leisure (D2) and certain other sui generis uses such as launderettes and theatres. Mixed use development should be encouraged to promote lively centres as well as to reduce the need to travel to visit a range of facilities. Leisure uses can benefit retail and commercial centres and with adequate

attention to safeguarding amenities can contribute to a successful evening economy. In this case the proposal for the mixed use element of the scheme is in line with national planning policy.

- 5.2 Policy GP6 of the NLDP explains that good quality design is sought in all forms of development. Improvements to the secondary access to the Kingsway Centre are to be welcomed. The proposal will however see the loss of some Victorian architecture which although has lost its setting has some worth. The proposal (including new units) does not seem to take into account the context of the site; that is its relationship with the building directly adjacent to No. 72 Commercial Street, i.e. there is a dead space with no interaction or natural surveillance. The loss of so many buildings without their replacement of at least some units would not be considered an efficient use of land. Although there is a high vacancy rate in the area it is considered that a complementary use in the space e.g. café, or temporary markets etc. would provide activity and natural surveillance resulting in a lively space. The inclusion of a window from the Wilkinson's store is considered to improve the relationship from the square to the shopping centre. The design of the space is well thought through and provides a positive space which is currently underutilised and in a poor state.
- 5.3 Policy R1 of the NLDP is clear the proposals which enhance the provision of retail facilities within the city centre will be favoured as long as they are compatible with the overall functioning of the city centre. This proposal is clearly aiming to enhance an entrance way to the Kingsway centre and Friars Walk development and enhance the environment. The concerns raised previously over design as equally relevant in the applicants ability to meet this policy, as set out in paragraph 8.5 of the NLDP any proposals will need to capitalise upon the City's fine Victorian architecture.
- 5.4 In conclusion, the proposal is supported in principle. The creation of replacement units within this space is welcomed and encouraged. It would not only represent an efficient use of the land but support the national and local policy framework to ensure the viability and viability of this defined retail centre. The improved access and quality of the environment created by the public square is however very welcome.
- 5.5 HEAD OF STREETSCENE (HIGHWAYS OFFICER)
No objections to the proposal subject to a condition for Transportation Construction Management Plan and for the implementation of a temporary Traffic Order.
- 5.6 HEAD OF STREETSCENE (LANDSCAPING OFFICER)
No objections to the proposals subject to advisory notes.
- 5.7 HEAD OF STREETSCENE (ECOLOGY OFFICER)
No objections to the proposal.
- 5.8 HEAD OF LAW AND REGULATORY SERVICES (PUBLIC PROTECTION)
No objections to the proposal subject to a condition for the submission of a Construction Environmental Management Plan (CEMP) and advisory notes.
- 5.9 HEAD OF STREETSCENE (DRAINAGE OFFICER)
No objections to the proposal subject to a condition for the agreement of drainage details.
- 5.10 CONSERVATION OFFICER (HISTORIC BUILDINGS)
Objects to the proposal:
Commercial Street is a remarkable 19th century development. Along with its continuation into Commercial Road, it represents more than a mile of perfectly straight road, laid out for the purpose of connecting the expanding town of Newport and the fast-growing maritime and commercial district of Pillgwenlly. It is lined with a coherent collection of predominantly Victorian commercial buildings of generally similar scale, proportions, materials and richness of detail and, although some buildings have been lost through late 20th century redevelopment, it remains remarkably intact.

- 5.11 Part of the street is included within the Town Centre Conservation Area which was designated in 1987. The conservation area is due for review, but presently the Southern boundary coincides with the pedestrianised area with the application site being a short distance outside. However, it is clear that the architectural and historic value of buildings beyond the boundary remains high. The street also forms part of the wider setting of a number of listed buildings, with those closest to the application site being St Paul's Church to the south and numbers 46 and 142 Commercial Street to the north. The framed view of part of the grade I listed Transporter Bridge to the south has particularly high townscape value.
- 5.12 The majority of existing street frontage to the application site represents a late 20th century redevelopment which sits unhappily within the streetscape due to its slight setback. However, number 68 is a prominent late 19th century corner building which retains considerable historic character. It is visible in important views towards and outward from the conservation area which help to define its setting. In my view it makes positive contribution to the character of the conservation area and the setting of nearby listed buildings and as such its loss would be most unwelcome. It appears to be in good condition and it is difficult to see why it could not be retained as part of any development scheme on the wider site.
- 5.13 The development would leave a break in the historic streetscape and leave the retained former party wall of the adjacent building exposed to view. This would leave a prominent and unfortunate unfinished-looking structure in southward views along the street, which I don't consider would be appropriately mitigated by the proposed planting scheme. Whilst I'm sure that a new public space could be created which enhances the local area, any scheme for the demolition of the existing modern buildings should include proposals to more appropriately terminate the adjacent historic frontage. I would further suggest that any tree planting should be set back behind the historic building line to avoid compromising views up and down Commercial Street.
- 5.14 In light of the above, I am unable to support the proposals as I consider that they would fail to preserve or enhance the character of the nearby conservation area.
- 5.15 **VIBRANT AND VIABLE PLACES MANAGER (REGENERATION)**
Supports the proposal:
The development in question accords well with the strategic regeneration aims of Newport City Council, and in particular with its aspirations for the southern end of Commercial Street. In particular, this proposed development adds strong and mutually supportive value to the proposal to redevelop the properties 123-129 Commercial Street (inclusive) directly opposite. The impact upon what is increasingly a key pedestrian link and the soon to be refurbished car park, commercial and residential property (see application ref 16/0788) is clear.
- 5.16 The need for investment in this part of the city is also clear, with it being afforded priority status under the Council's Vibrant and Viable Places programme. The Council's recent investment in the lower end of Commercial Street is not limited to the proposal detailed above – refurbishment of the properties 87b – 93 Commercial Street has been achieved in 2014-15 with many additional properties receiving grant assistance in the nearby environs. The aim of this investment is to stimulate the economic performance of the southern commercial district, increase the supply of good quality housing, and provide improved business space. In addition, the Council has also recently completed significant demolition works at 86-87 Commercial Street and the Kingsway Snooker Club to furnish the area around St Paul's and Mariner's Green with a better supply of public space and also remove obsolete vacant premises from the street-scape. Again, the proposed development of the Emlyn Walk Kingsway Shopping entrance accords well with this further strategic regeneration activity undertaken by Newport City Council in the immediate area. Obsolete premises with low demand or commercial potential will be replaced with a more pleasing and useful open space.

- 5.17 Where concern may be expressed, albeit reflecting the reserved matters proposal for a new unit fronting on to the redeveloped area, is around the need for further retail units in that part of the city centre. Sufficient retail vacancy exists in the vicinity to suggest that providing further units to the market will impact on vacancy rates across nearby older properties, a significant issue across the city centre as a whole. A cautious balance must therefore be struck in terms of providing sufficient quality of retail space to encourage investment and retail trading, whilst ensuring that existing sections of historical property within the boundaries of the city centre do not become subject to pervasive decline; a new-build retail frontage in this area surrounded by empty shops would clearly be to the detriment of the city's aspirations for the central retail core and the work it has undertaken since 2010 to reverse its malaise as well as the stated aims of the proposed development outlined in application 16/0781.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties within 50m of application site were consulted (109 properties), a site notice was displayed and a press notice was published in the South Wales Argus.

One anonymous representation has been received referring to the potential for disruption caused by demolition and construction works and the consequential adverse impact that this may have on footfall and loss of trade to businesses.

7. ASSESSMENT

- 7.1 The application seeks detailed planning permission for the demolition of 68-72 Commercial Street and Emlyn House and the creation of a new public square and alterations to the Wilkinsons store and servicing areas. Outline planning permission, with all matters reserved for subsequent approval, is also sought on part of the site for the construction of a new building for uses falling within Classes A1, A2, A3, B1, D1 and D2. The application is referred to Committee as the development seeking outline planning permission constitutes major development.

7.2 Public Square

Policy SP18 of the Newport Local Development Plan (NLDP) supports developments which assist in the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land. This is underpinned by Policy GP6 which states that good quality design will be sought in all forms of development.

- 7.3 The site is considered to be a strategic junction within the City Centre as it provides access to the Kingsway Shopping Centre via Emlyn Walk. As such, there is scope to create a public square which reinforces the status of this junction and to encourage greater footfall to the lower part of Commercial Street which has been in gradual decline, particularly due to a shift in the retailing core of the city, changes in retailing patterns and an economic recession resulting in high vacancy rates.

- 7.4 In addition to the above, whilst this part of Commercial Street is largely characterised by Victorian and Edwardian buildings, several of these buildings have suffered significant neglect. It is acknowledged that several of these period buildings have some features of design quality and interest, these however are predominantly limited to upper floors and their overall condition have declined or inappropriately altered to such a degree that it has collectively degraded sections of the street-frontage. Furthermore, several post-war buildings have appeared within the street which were constructed to be functional rather than based on good design principles and has disrupted the architectural rhythm and character of the street.

- 7.5 In this context, the proposed development would involve the demolition of 68-73 Commercial Street and Emlyn House which are buildings of mixed character and architectural design quality. 69-73 Commercial Street is a post-war structure which has an unfortunate design and appearance. It poorly relates to the street-scene and of the buildings which are proposed for demolition by this application, amounts to approximately 80% of the site-frontage.

- 7.6 With regards to Emlyn Walk, the building known as Emlyn House is also a post-war building and has no significant design quality. It has a dated appearance and does not reflect a standard of design which is appropriate for a gateway to an important shopping centre. This building amounts to approximately 57% of the site frontage of Emlyn Walk.
- 7.7 No.68 Commercial Street represents the corner building linking Emlyn Walk and Commercial Street. It is a good example of Victorian architecture and its proposed demolition has prompted an objection from the Victorian Society and the Conservation Officer, who has indicated that it would adversely affect the Victorian character of the area and that it would harm the setting of the town centre Conservation Area and nearby listed buildings.
- 7.8 Despite acknowledging the individual architectural qualities of No.68, the premises is not a Listed Building, it is not a locally listed building, nor it is located within a Conservation Area. Since planning control for unlisted and unprotected buildings such as those included in this application is limited to the agreement of the method of demolition and site restoration, it is not possible to resist the principle of demolition.
- 7.9 Notwithstanding the above, Policy CE7 of the NLDP refers to consider the setting of the Conservation Area and any significant views, within, towards and outwards from the Conservation Area. In this respect, the immediate setting of No.68 has already been adversely affected, particularly due to the harmful appearance of the adjoining buildings and set against the backdrop of the tower block of Emlyn Square. It is also noted that No.68 is located approximately 80m from the Town Centre Conservation Area and does not form part of the immediate setting for this designation, being separated by approximately 13 other units (55-67 Commercial Street). As a result, the No.68 is not adjacent to the Conservation Area, as required by Policy CE7 of the NLDP, whilst the views of this building from the Conservation Area are distant, indirect, and intervened by other buildings, which obscure significant proportions of the building, limiting its prominence and weakening the overall assertion that it represents a critical component of the setting of the Town Centre Conservation Area. At the time of assessment, there are no formal proposals to extend the Conservation Area to include the application site or adjoining land.
- 7.10 The buildings to be demolished, inclusive of No.68 Commercial Street are not significantly visible from Lower Dock Street Conservation Area as they are separated by the Kingsway Shopping Centre, the tower block Emlyn Square and the Dolman Theatre. Additionally, the buildings are hidden from any significant views from St. Woolos Conservation Area due to the scale and alignment of buildings along the western side of Commercial Street, particularly Park Square Multi-Storey Car Park. Having regard to the above, it is considered that the proposal would not adversely affect the character, appearance of setting of any Conservation Area, thereby addressing Policy CE7 of the NLDP.
- 7.11 With regard to the impact on the loss of any buildings within the site upon the setting of listed buildings, the nearest is St. Paul's Church which is approximately 85m to the south of the application site. No.68 Commercial Street is approximately 100m away from the church. The views of No.68 from the immediate frontage of the Church are limited and the post-war structure of 69-73 Commercial Street, which detracts from the visual appearance of the area and is also proposed to be demolished, is in the foreground and is more visible in terms of the setting of the Church. It is also noted that there are other non-Victorian buildings of limited design quality in closer proximity to the Church which have greater impact upon its setting than the proposed development. It is, therefore considered that the proposed development reasonably satisfies Policy SP9 of the NLDP.
- 7.12 Whilst the Victorian Society has also commented on other period buildings on the opposite side of Commercial Street, their proposed demolition is being considered separately under application 16/788. Each application must be considered on their own merits and it would be unreasonable to give any significant weight to the adjacent scheme.

- 7.13 Whilst the loss of No.68 would be unfortunate, this must be balanced against the overall benefits of the proposed development. In this particular case, a reasonable case has been made by the applicant's agent to justify the demolition of the building and that there are compelling reasons why the development would provide significant and overriding public benefits.
- 7.14 The Regeneration Manager has provided observations confirming the current declining state of this part of Commercial Street and that this proposal is of strategic importance to the continued regeneration of the city centre. The Regeneration Manager, therefore, fully supports the proposal.
- 7.15 In examining the site in closer detail, the entrance to the shopping centre when viewed from Commercial Street, appears distant, accentuated by the length of the access ramps set within the narrow proportions of Emlyn Walk. Flanked by 2-3 storey buildings, the entrance to the shopping centre and retail units on the lower level is uninviting and often in shadow. There are only a few attributes to denote Emlyn Walk as the gateway to an indoor shopping centre and, as such, there is currently very little to entice customers down Emlyn Walk from Commercial Street and into the shopping centre. In particular, the anchor store, Wilkinson's, is scarcely visible.
- 7.16 In addition to the above, the quality of the existing public realm at Emlyn Walk is poor. The type of hard landscaping materials that has been used, the narrow extent of the through route, changes in levels around the entrance to the Kingsway Centre and the lack of spaces for interaction and activity, contribute to the low environmental quality of the area. When coupled with several buildings of poor design quality and the significant amount of vacant units in the area, it is evident that Emlyn Walk contributes negatively to the vitality and viability of Newport City Centre. Despite the presence of 68 Commercial Street, the site as a whole is of very poor quality and appearance.
- 7.17 Having regard to the current circumstances of the site, there is clearly a scope for significant public enhancements. Thriving and vibrant city centres require areas which encourage public interaction and it is noted that this part of Commercial Street is currently lacking in public spaces. In this respect, the public square would make a positive contribution to sustainable development in the city centre through a more effective use of land and space. Furthermore, given the social benefits of public squares, the proposal would contribute to the health and well-being of visitors. It is therefore considered that the proposal satisfies Policies SP1 and SP2 of the NLDP.
- 7.18 The public square would be located just beyond the end of the existing pedestrianised section of Commercial Street. This is considered to be of strategic importance as it would entice visitors to venture further along Commercial Street and into the Kingsway Shopping Centre. The attempt to increase footfall in this particular area of the city centre is a positive step towards improving its overall vitality, viability and attractiveness as a destination for visitors and the local population.
- 7.19 Removing the existing buildings would create an open square of approximately 1700m² (excluding the building seeking outline permission). The perimeter of the new public square would be formed by the existing retail units on the north side of Emlyn Walk, the party wall of Kingsway Centre Unit which is currently occupied by Wilkinsons and the side of 73-75 Commercial Street (currently occupied by St. David's Foundation).
- 7.20 The treatments of newly exposed and currently blank walls of adjacent properties have been reasonably considered within the overall design strategy. Exposing the side of Wilkinson's creates scope for a new shopfront window to be created and enhanced visibility for the unit. This, in principle, creates interest at the immediate entrance to the shopping centre and a desirable setting for the new public square. As such, it would result in a significant improvement to the visual amenities of the area. Notwithstanding the above, whilst the plans demonstrate new glazing being interested on this elevation, limited details have been provided with regards to the actual components of the proposed shop front.

Given the prominence of this elevation, it is considered necessary to impose a condition for the specific details of the shopfront to be agreed.

- 7.21 Extending above the proposed shopfront would be a new parapet roof. This would enable the new and reconfigured service/space staircase serving part of the shopping centre and the Dolman Theatre to be largely hidden from any significant public views, particularly from Commercial Street and Emlyn Walk. Whilst the staircase would have no design merit, it would be seen in context to other service areas from Emlyn Street and would not have a significant visual impact on the public realm.
- 7.22 The demolition of existing buildings would also expose the side elevation of 75 Commercial Street (St. David's Foundation). The applicant's agent has explained that the ground/lower level of the side elevation would be made good and a new stone clad finish wall, which forms part of the boundary treatments for the square, would be constructed in front. The upper floors will also be made good and include re-rendering.
- 7.23 Whilst the side elevation of No.75 would be a blank wall, it would not unreasonably detract from the visual amenities of the area, particularly the sense of place that would be created by the proposed public square. The inclusion of unified boundary treatments on the perimeter and mature trees and landscaping along the frontage and edges of the site would 'soften' the overall impact of the elevation of No.75. It is also noted that this application seeks outline planning permission for a replacement building on part of the site which would be immediately adjacent to the side elevation of No.75. This has been considered within the overall design strategy of the proposal. Notwithstanding the above, it is considered necessary to impose a condition for the external finish of the side elevation of No.75, particularly the texture and colour of the rendering, to be agreed.
- 7.24 For the majority of the site, the ground levels would be rationalised with shallow ramps allowing all parts of the square to be accessible for users. Although the existing ramps to the shopping centre entrances would be retained, they would be absorbed by the open-nature of the new square to create a more welcoming environment. Glazed balustrading for the ramped walkway would provide a modern and lighter feature to the site.
- 7.25 The square would represent a modern, public space. It would have an inviting and attractive appearance consisting of an appropriate balance of hard and soft surfacing. The site would be paved in two types of paving to match that used in John Frost Square, thereby providing consistency within the public realm and emphasis on quality materials. This is considered acceptable in principle, however in the absence of specific details relating to the actual product, particularly shape, texture and colour, it is considered necessary to impose a condition for such details to be agreed.
- 7.26 Stepped seating would be provided at the rear of the site which also has the potential to be used as a performance space. This feature of the development encourages social interaction and represents a focal point to the square. This would be supplemented by modular benches and timber-style seating which offers a choice of spaces for users of the square to enjoy.
- 7.28 A variety of other features would be included within the square which would ensure that the site is defined, secure and has sufficient interest. In this respect, the plans and the accompanying Design and Access Statement refers to a statue or water feature, cycle stands, lighting, bollards and landscaping grilles. All of these features would contribute to the contemporary appearance and environment of the square, without amounting to unnecessary and unwanted clutter. Whilst these features are acceptable in principle, it is considered necessary to impose a condition for their actual specifications to be agreed.
- 7.29 Notwithstanding the above, the plans have not included any details relating to the control of waste. A public square is likely to generate waste as a by-product of its use by visitors.

Policy W3 of the NLDP requires facilities for waste management to be provided for all new developments. It is, therefore, considered appropriate to impose a condition for the submission of litter bins to be provided within the square.

- 7.30 To complete the square, a length of new wall would be constructed along the eastern and southern perimeter of the site, extending from the new shopfront of Wilkinsons and linking to the side elevation of the exposed side elevation of 75 Commercial Street. The walls would have a stone-clad finish which would be compatible with the palette of materials to be used within the square. Whilst the height of the wall is rather tall, this is essential to screen the service areas at Emlyn Street and the rear of Commercial Street. The impact of the wall, however, is greatly reduced by the inclusion of the stepped seating/performance area and raised planting areas. The planting of trees along the perimeter is also a deliberate and effective method of softening the impact of the wall and creating a pleasant setting for the square. Whilst the use of stone-cladding is considered acceptable in principle, in the absence of specific details concerning the material, it is considered necessary to impose a condition for this external finish to be agreed.
- 7.31 In terms of soft landscaping, a landscaping plan has been submitted which demonstrates that the site would have a diversity of species and colours, thereby enhancing vibrancy and attractiveness of the square, whilst improving its ecological and biodiversity value. The inclusion of several mature trees is a significant benefit to the overall streetscape as it visually connects the square with the pedestrianised section of Commercial Street and other areas of the city centre. This would be supplemented by central planters with granite border walls to double as potential seating. Soft landscaping would 'break-up' the massing of hard landscaping, adding interest and colour to the streetscene. Where planter walls are thinner at the perimeter of the square, timber-seated stone benches would be provided, referencing the public realm works at John Frost Square and enhancing the overall setting of this particular square.
- 7.32 Whilst it is acknowledged that some of the trees and landscaping works may take a period of time for fruition, the agent had confirmed that several mature specimen trees would be planted from the outset and within purpose-built tree pits. This significantly improves the visual amenity of the square from its inception and the prospect of a successful long-term integration within the streetscape.
- 7.33 The Landscaping Officer of the Council has no objections to the proposal and whilst the details are acceptable in principle, it is considered prudent to impose a condition for a more detailed scheme to be agreed. This also allows flexibility to respond to seasonal changes and to vary species and quantities. In addition to this, the agent has acknowledged that all trees and soft landscaping would be subject to a maintenance plan of a minimum of 5-years. Whilst a draft plan has been provided, it is limited in detail. This however could be appropriately controlled via a planning condition.
- 7.34 Having regard to the merits of this aspect of the application, it is considered that the proposed public square would introduce a high quality and well-designed public realm and would positively contribute to the regeneration of this part of the city centre. The proposal, therefore, would not have any significant adverse effect on the visual amenities of the area, thereby satisfying Policies SP9, GP6 and CE7 of the NLDP.
- 7.35 **Proposed Building**
Outline planning permission, with all matters reserved for subsequent approval, is also sought on part of the site for the construction of a new building for uses falling within Classes A1, A2, A3, B1, D1 and D2. The scale parameters of the proposed building would be: Height: 12m-20m, Width: 12m-20m and Depth: 28m-38m. A plan has also been submitted showing the maximum footprint of the building and the maximum development envelope. This would be immediately adjacent to 75 Commercial Street, thereby allowing access to the Kingsway Shopping Centre, service areas and a large proportion of the proposed public square to remain.

- 7.36 This aspect of the proposal aims to ensure that the site remains responsive to economic and commercial markets, thereby allowing a degree of flexibility to the overall scheme. Based on current economic conditions, high vacancy rates and the fundamental need to regenerate this part of Commercial Street, underpinned by the significant benefits that a public square would bring to the overall vitality, viability and attractiveness of the city centre, the loss of the existing retail and commercial units have been thoroughly justified. The extent of evidence submitted by the agent in this respect is compelling and there are no objections from the Planning Policy Manager, having balanced the requirements of Policies R1 and R3 of the NLDP and consideration to the latest edition of Planning Policy Wales. Furthermore, since planning control is limited to the method of demolition and site restoration, it is not possible to resist the principle of demolition which would inevitably result in the loss of the existing retail and commercial units.
- 7.37 Notwithstanding the above, the potential for a replacement commercial unit within the scheme is welcomed as it demonstrates a positive long-term outlook to the economic regeneration of the city centre. The buildings facing Emlyn Walk which are to be demolished by this proposal, forms part of the secondary shopping frontage. The approximate siting of the proposed commercial unit would follow a different building-line as it would be set-back from the secondary frontage defined within the Local Development Plan.
- 7.38 Chapter 10 of Planning Policy Wales (PPW Edition 9) establishes the National approach to considering proposals for retailing and commercial developments. Paragraph 10.3.5 explains that: "Achieving diversity of use and activity may require a flexible approach to planning. Where the right balance of use and activity is not being achieved, local planning authorities should consider making changes to the acceptable uses in primary or secondary areas, the location of retail and commercial centre boundaries or, if necessary, the removal of these boundaries altogether."
- 7.39 Paragraph 10.3.6 of PPW elaborates further on the need to be responsive to local trends and conditions in retailing and commercial areas: "In some situations over emphasis on A1 uses in either primary or secondary areas may undermine a centre's prospects, potentially leading to high vacancy rates. In such circumstances local planning authorities should consider how non-A1 uses may play a greater role in retail and commercial centres to increase diversity and reduce vacancy levels".
- 7.40 In this respect, the uses that are being considered to be included within the proposed building are considered compatible, in principle, within this part of the city centre. It must be noted, however, that this does not preclude the need for any reserved matters application to justify how the proposed building, in terms of its design and the specific location of uses within the building relate to its context and planning policy. For example, in the interests of vitality, viability, vibrancy and attractiveness of the area, ground floor/pedestrian level uses may need to be supported by retailing and other commercial uses rather than office use for example which may be better suited for upper floors. Also, whilst the scale parameters of building is considered appropriate in a city centre location, the corner position of the building demands a statement or incident building, to denote the significance of the junction between Commercial Street and Emlyn Walk and the entrance to the Kingsway shopping centre.
- 7.41 There are other design particulars which would need to be addressed as reserved matters stage. For example, having regard to the types of uses which are more appropriate at ground floor/pedestrian level, the proposed building is likely to require active frontages, which may include the elevation fronting the public square in addition to that fronting Commercial Street.
- 7.42 In addition to the above, whilst it noted that the height of the building may extend to 20m, it must sympathetically relate to its surroundings, particularly Commercial Street which has a relatively consistent scale and a linear frontage and some views from the City Centre

Conservation Area. In this respect, and having regard to the comments of the Conservation Officer, it is considered that a building reaching 20m high throughout and positioned at the immediate frontage of the site facing Commercial Street could be harmful to the visual amenities of the area and the City Centre Conservation Area.

- 7.43 The scale of the proposed building, therefore, is to be reduced along the immediate frontages, with taller structures being set-back and away from the most prominent views or sensitive land-use designations. It is therefore concluded that only parts of the site could accommodate a building which reaches the upper scale parameters. This has been acknowledged by the agent who has submitted a plan demonstrating the maximum development envelope of the proposed building and a supporting letter which acknowledges the various scaling and design constraints that a more detailed scheme would have to be addressed by the reserved matters application. This massing plan, which includes the outline of both 67 Commercial Street (Cash Generator) and 75 Commercial Street (St. David's Foundation) suggests a building with a frontage which is similar in height to other buildings along the Commercial Street, thereby respecting its immediate context. The building could then cascade upwards as it becomes closer to the Kingsway Shopping Centre, rear service areas and Emlyn Square tower block. The letter which supports the plan explains: "It is important to note that this is not the final design/shape of the building (as this is a reserved matter), rather it is the maximum development envelope providing the extent to which a future building could be built up to. The introduction of the up to 13m ridge height is appropriate along Commercial Street and sits between the existing ridge height of the 13.95m at the adjoining Cash Generator building (67 Commercial Street) and the 12.15m of the St David's Hospice building (75 Commercial Street). The set back of the proposed building by 8m seeks to acknowledge and respect the character and frontages of Commercial Street, whilst the final massing and scale will be determined at reserved matters (within the development envelope). In terms of design of the building this is a reserved matter. Therefore the elevational design and roof form are to be agreed under a separate process."
- 7.44 Having regard to the massing plan and supporting letter, it is considered that the site, in principle, could accommodate a building within the proposed scale-parameters and in a manner that would not harm the visual amenities of the area, the character and appearance of the Conservation Area or the setting of any listed buildings. In so far as to the requirements of seeking outline permission, it is considered that this proposal reasonably satisfies Policies SP9, GP6 and CE7 of the NLDP. The full acceptability of this aspect of the proposal would be subject to a reserved matters application which would include full details of the building. It is, however, apparent that the reserved matters application will require significant and careful consideration to matters of design, respecting the context of the site and the appropriate assimilation of uses within the building in order to successfully deliver a scheme which enhances the vitality, viability, vibrancy and attractiveness of the city centre and would preserve the character and appearance of the Conservation Area.
- 7.45 **Impact on Residential Amenity and Neighbouring Uses**
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.
- 7.46 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.
- 7.47 Given the city centre location of the site, there are a limited number of residential properties in the immediate vicinity of the site. The demolition of existing buildings would create larger

voids and is likely to benefit any neighbouring properties, particularly with matters of light, outlook and dominance. Notwithstanding the above, the proposed public square would be reasonably enclosed along three sides, with the exception of the Commercial Street frontage. As such, it is considered that the proposal would not result in any unreasonable loss of privacy to existing residential uses.

- 7.48 Whilst the proposal is seeking to encourage higher footfall in this locality and enable users to spend a greater amount of time in this part of Commercial Street, it is considered that the proposal would not result in any unreasonable levels of noise and disturbance, especially when some reduction in the level of amenity is expected given the city centre location of the site. The Public Protection Department of the Council has no objections to the proposal subject to a condition for a Construction Environmental Management Plan (CEMP) which would ensure that the public and any residential units are safeguarded during the demolition and construction phases. Whilst it is acknowledged that there would be some disruption to the locality during the demolition and construction phases, this is likely to be on a temporary basis and any loss of trade to neighbouring businesses as a result of the development is not a significant material consideration in the determination of this application and is insufficient to withhold planning permission.
- 7.49 The design of the square benefits from high levels of natural surveillance, whilst durable materials would be used, thereby reducing the risk of instances of crime and anti-social behaviour. No comments have been received from the Police concerning the proposal.
- 7.50 The proposed building would be limited to non-residential uses and since the proposal is seeking outline planning permission with all matters reserved for subsequent approval, it is not possible to fully assess the impact of the proposal upon residential amenity. Notwithstanding the above, having regard to the scale parameters of the building, its approximate location within the site, the indicative massing plan, the proximity of the limited number of residential units in the vicinity and the level of amenity which is generally accepted in the city centre, it is considered that the proposed development, in principle, could be accommodated without any unreasonable adverse impact on residential amenity or upon other uses. It is therefore considered that the proposal satisfies Policies GP2 and GP7 of the NLDP.
- 7.51 **Highway Safety**
The public square would not generate the need for any off-street parking. The proposed square would include the provision of cycle stands to encourage sustainable modes of transport.
- 7.52 The proposed building would be located in the city centre and in a highly sustainable location, being immediately opposite Park Square Multi-storey Car Park which has an approximate capacity of 395 spaces. Consideration is also given to the fallback position, namely the existing retail and commercial units on the site which has no off-street parking.
- 7.53 In recognition of the scheme as a whole, the Head of Streetscene (Highways) has no objections to proposal. The proposal will require a Transportation Construction Management Plan given the proximity of the site to public areas, particularly roads and footways, and the extent of demolition and construction works involved. This would be secured via a planning condition. Whilst the Highways Authority has stated that a temporary Traffic Order would be required, this is a separate process undertaken outside the remit of this planning application.
- 7.54 It is noted that there is a planning application submitted for the demolition and redevelopment of 123-129 Commercial Street which is directly opposite Emlyn Walk (16/0788 refers). Since each application is assessed on their own merits, no significant weight could be given to the impact of other demolition/construction works occurring at the

vicinity of the site, even if taking place simultaneously. The requirement for the applicant to submit and comply with an agreed Transportation and Environmental Construction Management Plan is considered sufficient to control the most harmful impacts of the demolition and construction phases upon public amenity and highway/pedestrian safety. It is therefore considered that the proposal satisfies Policies GP4 and T4 of the NLDP.

7.55 **Archaeology**

The site is situated within an Archaeologically Sensitive Area, as defined by Policy CE6 of the NLDP. A desk-based archaeology assessment has been submitted with the application which has been forwarded to Glamorgan Gwent Archaeological Trust (GGAT) for their observations.

7.56 GGAT explains that there are no designated sites within, or in close proximity to, the proposed development area, which is located outside of the historic medieval core. The site is currently occupied by a much altered 19th century structure, as well as modern buildings, all of which are of relatively low archaeological significance. The construction of the current buildings on the site will likely have had an adverse effect on any potential archaeological remains that may be present. Furthermore, the proposed development is relatively limited in scale with regards to ground intrusion works. Having regard to the above, GGAT conclude that it is unlikely that any archaeological features would be revealed during the proposed works and has no objection to the proposal. It is therefore considered that the proposal satisfies Policy CE6 of the NLDP and the SPG: Archaeology and Archaeologically Sensitive Areas.

7.57 **Ecology/Biodiversity**

The existing site contains no green spaces or landscaping of significant biodiversity value. The proposed development would introduce greater amount of soft landscaping which would enhance the biodiversity value of the site. The Landscaping Officer acknowledges this and has no objections to the proposal.

7.58 In terms of ecology, the proposal would involve the demolition of several buildings, some of which are vacant. A bat survey has been submitted which concludes that bats were not using the application site. The Council's Ecologist and Natural Resources Wales (NRW) have considered the contents of the report and have no objections to the proposal. Having regard to the above, the proposal development would not have a significant adverse on ecology and biodiversity, thereby satisfying Policy GP5 of the NLDP and the SPG: Wildlife and Development.

7.59 **Drainage and Utilities**

The site lies within Zone B flood risk area, as defined by Technical Advice Note 15: Development and Flood Risk (TAN15). This is an area which is known to have been flooded in the past evidenced by sedimentary deposits. Such areas may be subject to localised flooding. Whilst flooding can be a material consideration, TAN15 explains that new developments are appropriate in Zone B.

7.60 In this particular case, the current site is almost entirely surfaced in impermeable material. As such, the proposed development would not give rise to any significant increases in surface water. In contrast, the proposed development has the potential to reduce the amount of surface water as it would introduce greater amount of soft landscaping.

7.61 Limited drainage details have been provided with the application and this has been acknowledged by the Council's Drainage Officer. Since the site is located in Zone B flood risk area and that an ineffective drainage infrastructure could increase the risk of flooding, it is considered appropriate to control drainage by the imposition of a planning condition. Welsh Water and Natural Resources Wales have no objections to the proposal subject to advisory notes.

7.62 The site is located within the city centre and all other utilities necessary to support the development is within reasonable proximity. Having regard to the above, it is considered that the proposal satisfies Policies SP3, SP4, GP1, GP3 CE6 of the NLDP

7.63 **Planning Contributions**

Policy SP13 of the NLDP enables contributions to be sought from developers that will help deliver infrastructure which is necessary to support development. Given the nature of the proposal, this scheme does not generate the need for any contributions.

8. OTHER CONSIDERATIONS

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

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

8.2 ***Equality Act 2010***

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

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

9. CONCLUSION

9.1 This application is recommended for approval because the development generally complies with Council policy and guidelines. This scheme provides a clear opportunity to act as a further catalyst for economic development in the city centre with wider social and environmental benefits to the locality. The scheme is considered to be a timely and

complementary proposal to recent major developments in the centre, thereby reinforcing it as an attractive and vibrant destination for the local population and visitors. Whilst there would be a loss of retail units and a Victorian building of some architectural merit, there are compelling reasons that the proposed development would provide significant and overriding public benefits, particularly to the vitality, viability, vibrancy and attractiveness of the city centre.

- 9.2 The potential for a replacement building of mixed-use is welcomed as it demonstrates a positive long-term outlook to the economic regeneration of the city centre. In so far as to the requirements of seeking outline permission, the site, in principle, could accommodate a building within the proposed scale-parameters and in a manner that would not harm the visual amenities of the area, the character and appearance of the Conservation Area or the setting of any listed buildings. The full acceptability of this aspect of the proposal would be subject to a reserved matters application which would include full details of the building, including its design, scale and appearance.
- 9.3 Having regard to the above, it is considered that the proposal as a whole would not adversely affect visual amenity, the vitality, viability, vibrancy and attractiveness of the city centre, highway safety, ecology/biodiversity, drainage and flooding, nor so significantly harms public amenity or the amenities of neighbouring properties as to warrant refusal.

10. RECOMMENDATION - GRANTED WITH CONDITIONS

Conditions relating to 'full' and 'outline' application:

- 01 The development shall be implemented in accordance with the following plans and documents:
- | | |
|--------------------|---|
| 1617 P(--)100 P1 | Proposed Site Plan |
| 1617 P(--)109 P1 | Lower Ground Floor Plan |
| 1617 P(--)110 P2 | Ground Floor Plan |
| 1617 P(--)111 P1 | First Floor Plan |
| 1617 P(--)120 P2 | Maximum Building Footprint |
| 1617 P(--)200 P2 | Elevation A - Commercial Street |
| 1617 P(--)201 P2 | Elevation B - Emlyn Square South |
| 1617 P(--)202 P1 | Elevation C - Emlyn St. North |
| 1617 P(--)203 P1 | Elevations D + E Emlyn Walk North |
| 1617/P(--)220 P1 | Proposed Elevation A Showing Maximum Building Volume |
| 1617/P(--)221 P1 | Proposed Elevation B Showing Maximum Building Volume |
| 1617 P(--)300 P1 | Proposed Section 1 |
| 1617 P(--)301 P1 | Proposed Section 2 |
| 1617 P(--)302 P2 | Proposed Section 3 |
| 1617 P(90.6)110 P1 | Proposed Upper Ground Floor Plan Lighting Strategy |
| 1617/P(90)110 P1 | Proposed Upper Ground Floor Plan Landscaping |
| 1617/P(--)110 P2 | Proposed Upper Ground Floor Plan Mall Level – Mark up with Utilities Runs |

GR1005 and GR1008 - Tree Pit Systems

Scale Parameters of Proposed Building (Email from Boyer Planning dated 29 July 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

- 02 Notwithstanding the requirements of Condition 1, no development shall commence (to include demolition) until a Construction Environmental Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, air quality*, vibration, dust** and waste disposal resulting from demolition, the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. Measures to minimise the impact on air quality shall include HGV routes avoiding Air Quality Management Areas and avoid vehicle idling. The Plan shall also include details of transport and pedestrian management, including the location of a site compound, provision of contractor parking and means of enclosure to restrict public access to the site. The agreed Construction Environmental Management Plan shall be adhered to at all times.

* The Institute of Air Quality Management <http://iaqm.co.uk/guidance/>

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

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in the interests of general amenities and highway/pedestrian safety.

Conditions relating to the 'full' element of the application only

- 03 Notwithstanding the requirements of Condition 1, no development shall commence (excluding demolition) until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping and tree planting scheme indicating the number, density, species, heights of planting and positions of all trees and shrubs, and a timetable for their implementation. The agreed scheme shall be carried out in accordance with the agreed scheme and timetable. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting, in accordance with a management schedule to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner, in the interests of visual amenity.

- 04 Notwithstanding the requirements of Condition 1, no development shall commence (excluding demolition) until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces the Public Square and realm works, including all hard landscaping and the northern elevation of 75 Commercial Street, has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: In the interests of visual amenity and to protect the general amenities of the area.

- 05 Notwithstanding the requirements of 1, no development shall commence (excluding demolition) until full details, including the siting, design and appearance (including colour) of the following has been submitted to and agreed in writing by the Local Planning Authority:

- i) Cycle stands
- ii) Litter bins
- iii) External illumination and floodlighting
- iv) Public statue or water feature
- v) Seating
- vi) Bollards
- vii) Walkway balustrade
- viii) Raised planters
- ix) Landscaping and drain grilles

Development shall be carried out in accordance with the agreed details and implemented prior to the beneficial use of the Public Square.

Reason: In the interests of visual amenity, highway safety and to protect the general amenities of the area.

- 06 Notwithstanding the requirements of Condition 1, no development shall commence (excluding demolition) until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of boundary treatments of the Public Square hereby approved have been submitted to and agreed in writing by the Local Planning Authority. The boundary treatments shall be implemented in accordance with the agreed details prior to the beneficial use of the development hereby approved.

Reason: In the interests of visual amenity, highway safety and to protect the general amenities of the area.

- 07 Notwithstanding the requirements of Condition 1, no development shall commence (excluding demolition) until full details, including external finishes, of the new shopfront and parapet wall of retail unit labelled "LSU20" (Wilkinsons) has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: In the interests of visual amenity and to protect the general amenities of the area.

- 08 Notwithstanding the requirements of Condition 1, no development shall commence (excluding demolition) until a scheme for controlling surface water drainage has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed scheme and implemented prior to the beneficial use of the development hereby approved.

Reason: To ensure that adequate drainage is provided to serve the development and to ensure that flood risk is not increased.

Conditions relating to the 'Outline' application only

- 09 The matters set out in the conditions below are reserved for the submission and approval of details.

a) In the case of any reserved matter, application for approval must be made not later than the expiration of THREE YEARS beginning with the date of this permission.

Reason: The application is in outline only and the further details are required to ensure that a satisfactory form of development take place.

b) No development shall be carried out on the site until details of the reserved matters have been approved, and the development shall be carried out in accordance with these details.

Reason: The application has been submitted in outline only. Further details are required to ensure that a satisfactory form of development takes place.

c) The development to which this permission relates must be begun not later than whichever is the later of the following dates:-

- (i) the expiration of FIVE YEARS from the date of this permission; or
- (ii) the expiration of TWO YEARS from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform to the requirements of Sections 91 and 92 of the Act 1990.

NOTES TO APPLICANT

01 This decision relates to plan Nos: 1617 P(--)-100 P1 - Proposed Site Plan, 1617 P(--)-109 P1 - Lower Ground Floor Plan, 1617 P(--)-110 P2 - Ground Floor Plan, 1617 P(--)-111 P1 - First Floor Plan, 1617 P(--)-120 P2 Maximum Building Footprint, 1617 P(--)-200 P2 - Elevation A - Commercial Street, 1617 P(--)-201 P2 - Elevation B - Emlyn Square South, 1617 P(--)-202 P1 - Elevation C - Emlyn St. North, 1617 P(--)-203 P1 - Elevations D + E Emlyn Walk North, 1617/P(--)-220 P1- Proposed Elevation A Showing Maximum Building Volume, 1617/P(--)-221 P1 - Proposed Elevation B Showing Maximum Building Volume, 1617 P(--)-300 P1 - Proposed Section 1, 1617 P(--)-301 P1 - Proposed Section 2, 1617 P(--)-302 P2 - Proposed Section 3, 1617 P(90.6)110 P1 - Proposed Upper Ground Floor Plan Lighting Strategy, 1617/P(90)110 P1 - Proposed Upper Ground Floor Plan Landscaping, 1617/P(--)-110 P2 - Proposed Upper Ground Floor Plan Mall Level – Mark up with Utilities Runs

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP3, SP4, SP9, SP13, SP13, SP18, GP1, GP2, GP3, GP4, GP5, GP6, GP7, CE6, CE7, T4, R1, R3, R4 and W3 were relevant to the determination of this application, including the following Supplementary Planning Guidance: Planning Obligations, Parking Standards, Archaeology and Archaeologically Sensitive Area, Wildlife and Development.

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

04 The applicant/developer is advised that a temporary Traffic Order would be required in conjunction with the proposed development. For further information, please contact the Highways Authority on 01633 210 572.

05 In the event to archaeological features being discovered during the development of the site, the applicant/developer is advised to contact Glamorgan Gwent Archaeological Trust on (01792) 655 208.

06 The applicant/developer is advised to have regard to BRE guide 'Control of Dust from Construction and Demolition Activities'.

APPLICATION DETAILS

No: 16/0978 **Ward:** LLANWERN

Type: FULL

Expiry Date: 16-DEC-2016

Applicant: ANGELA POOK

Site: PARK LODGE, LODGE HILL, LLANWERN, NEWPORT, NP18 2DQ

Proposal: ADDITION OF FIRST FLOOR TO EXISTING SINGLE STOREY DWELLING AND REAR SINGLE STOREY EXTENSION (RESUBMISSION)

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks consent for the addition of first floor to existing single storey dwelling at Park Lodge, Lodge Hill, Llanwern.
- 1.2 The property is a modest detached dwelling located in a rural village. The property occupies a prominent, elevated corner position on the one way traffic system in the Village.
- 1.3 The application is a resubmission following the recent refusal of a similar scheme which was also dismissed at appeal.
- 1.4 The application is being determined by Planning Committee at the request of Councillor Kellaway.

2. RELEVANT SITE HISTORY

12/0287	ERECTION OF DWELLING (OUTLINE)	Appeal Dismissed
16/0342	ADDITION OF FIRST FLOOR TO EXISTING SINGLE STOREY DWELLING AND REAR SINGLE STOREY EXTENSION	Appeal Dismissed

3. POLICY CONTEXT

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

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

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

Policy GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of

factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

The Council's Supplementary Planning Guidance for House Extensions (Adopted August 2015) is relevant to the proposals.

4. CONSULTATIONS

4.1 DWR CYMRU – WELSH WATER: Request conditions relating to drainage.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): Is satisfied that the garage and driveway will provide sufficient off road parking in accordance with current standards. Gates must be set back a minimum of 5m from the edge of the highway in order for a vehicle to leave the highway whilst the gates are opened. This is clearly unachievable and therefore would object to the erection of the gates.

6. REPRESENTATIONS

6.1 NEIGHBOURS: Properties with a common boundary and opposite were consulted (3no properties). 3no objections received making the following comments:

- The property is situated at a prominent corner plot location and the size and shape of the proposed building would have a negative and detrimental effect on the area and local residents;
- Park Lodge is a recognised historic building and its mass would increase greatly, causing a total transformation of the current house;
- The height and angle of the proposed first floor would totally dominate (neighbouring) views and would reduce privacy;
- The rear of the property would be imposing and would reduce 'space' and be much closer to the boundary thus increasing noise and reducing privacy;
- Whilst the proposals have been amended, they do not address serious concerns and the proposals would be imposing and would result in a serious impact on the quality of life of neighbouring residents;
- The proposals remain contrary to the Council's guidance and Planning Policy Wales;
- The proposals remain completely out of character with the surrounding area and would set a precedent within the village;
- The amenity space remaining would be inadequate to serve a four bedroom property;
- The site plan submitted with the original application is incorrect and the boundaries of 'Lowmas' are directly adjacent to Park Lodge. As such the proposed development would result in a loss of privacy to both front and rear garden;
- The proposals would result in neighbouring occupants feeling 'hemmed in' and a loss of perceived space;
- The Council should consider their responsibilities under the Human Rights Act;
- The applicant should have been aware of the accommodation offered by Park Lodge when they purchased it;
- Should the application be approved, it is requested that the Council ensures that adequate provision is made to ensure ground stability at the boundary between the site and Lowmas during the construction of the garage;
- The additional window to bedroom 3 is less than 21m from the neighbouring kitchen/diner and set at an angle that would result in a loss of privacy;
- The proposed windows to bedrooms 2 and 3 would seriously affect neighbouring habitable rooms due to a loss of privacy;
- The property is already congested with the back garden development and this proposal would further encroach on the privacy of its adjoining neighbours;
- Request that Planning Committee visit the neighbouring property 'The Willows' to view the loss of privacy as a result of the proposals.

- 6.2 COUNCILLOR MARTYN KELLAWAY: Requests the application is determined by Planning Committee in order to consider the impact on neighbouring properties.
- 6.3 LLANWERN COMMUNITY COUNCIL: The concern of Llanwern Community Council is that the size and bulk of the proposal would be over whelming from a street scene perspective, especially with the aspect of the proposal within a raised prominent corner curtilage. We note the amended plans that differ from the original application, as to whether this reduces the prominence of the proposal enough from a street scene perspective we leave to the LPA to decide.

7. ASSESSMENT

- 7.1 The footprint of the property would not alter substantially with the proposed first floor extension coming up from the existing walls of the dwelling in the main. The proposals would introduce a first floor to the property increasing the height of the property to 4m to the eaves and 6m to the ridge. The additional accommodation created at first floor would provide four bedrooms and a bathroom.
- 7.2 As noted above, the application is a resubmission following the recent refusal of a similar scheme which was also dismissed at appeal. The previous scheme was refused by the Council for two reasons; impact on neighbouring occupants (namely 'Applewood') by reason of scale and proximity to neighbouring dwellings and poor quality of design.
- 7.3 At appeal the Inspector did not agree that the proposals would result in an unacceptable impact to neighbours and considered that given the angles and distances between the application property and the neighbouring dwellings, the proposals would not cause any material harm to residents' living conditions and in this respect it would comply with the objectives of Policy GP2 of the Newport Local Development Plan (LDP) and the Council's guidance on house extensions (SPG) to safeguard local amenity.
- 7.4 However, the Inspector dismissed the appeal on design grounds siting:
- ...the shallow roof pitch on the side extension facing Langstone Lane and the 'Juliette' style balconies would result in a bulky and cluttered design form that would be prominent in views along the lane. Further, owing to its significant mass, the inconsistent roof pitches, the awkward step in the side wall and the misaligned windows on the ground and first floors, the side elevation facing towards Lodge Hill would also be a visually unattractive and unsympathetic elevation that would be out of scale and character with the modest and simple proportions of dwellings within its immediate context.*
- 7.5 The changes to the design of the property following the refusal of the previous scheme include the increase in the roof pitch and lowering of the eaves by approximately 750mm. Part-hipping of roof and reduction of the height of the dormers, the removal of a Juliet balcony and bi-fold doors to the side elevation, the removal of a single storey side extension, changes to the fenestration including the arrangement and size/shape of windows and deeper window cills. 2no roof lights are also proposed within the rear roof slope, addition of porch to side elevation, increased stonework to elevations and reduction in render and inclusion of chimney.
- 7.6 Despite the insertion of additional windows, including a first floor window in the side elevation nearer to 'The Willows' which is situated opposite the application site, there would be a distance of approximately 15m between the first floor window in question and the side boundary of The Willows and it is not considered that the revised proposals would result in any worse impact to neighbouring amenity than the previously refused scheme which, as noted above was considered acceptable by the Inspector. The appeal decision is a material consideration which must be afforded significant weight by the Council in the determination of this revised application. As such it would be unreasonable of the Council to refuse this application on reasons of impact on neighbouring amenity given the appeal decision, unless it is considered to result in a worse impact than the previous scheme as a result of the changes to the design. Officers do not consider this to be the case.

- 7.7 The occupier of the neighbouring property 'Lowmas' considers the site location plan accompanying both this application and the previous application to be incorrect and has amended the plan to show the location of their property with the application property as they consider it is. The site location plan submitted with the application is not obviously incorrect and it reflects the layout of the properties as shown on the Council's own GIS system. In any case, the site location plan formed part of the decision and in their consideration of the application both officers and the Inspector had the benefit of visiting the vicinity in order to make an informed decision and the Inspector referred specifically to Lowmas stating "with regard to the effect on other nearby properties, including Lowmas and The Willows, these are located at an angle to the proposed development and together with the adequate separation distances, this would be sufficient to allow for an acceptable relationship between dwellings."
- 7.8 Turning to the design of the revised scheme, it is considered that as a result of the revisions to the roof and reduced eaves height, the bulkiness of the extension has been reduced and the development no longer appears overscaled. Furthermore, the removal of the juliet balcony, changes to the fenestration and inclusion of greater detailing such as deeper cills and increased stonework ensures that the proposals are sympathetic to the character and design of the host property.
- 7.9 As noted above, the property occupies a prominent and elevated corner position, with the front elevation and both side elevations being highly visible from the adjacent highways. It is considered that the revised scheme has had appropriate regard to this and the proposals represent an attractive form of development that would preserve the visual amenity of the area.
- 7.10 The proposals include the provision of decking to the south-east side of the property, extending past the rear elevation of the house up to the boundary shared with Applewood. There is currently decking within this area and whilst the proposed decking area would be larger than the existing area of decking, in terms neighbouring amenity, the impact is not considered to be any greater than the current situation. Similarly, being adjacent to the highway this area is visually prominent. However, given that there is already decking in this area, it is not considered that the visual impact would be worse as a result of the proposals.
- 7.11 A detached garage is included on the plans but is not referred to in the description. The applicant confirms the garage is not intended for consideration as part of the application. The applicant considers the garage to be permitted development. No opinion is offered by the Council on whether or not the garage would be permitted development and it has not been considered as part of this application.

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

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

8.2 *Equality Act 2010*

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

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

9. CONCLUSION

9.1 The proposals are considered to acceptable in terms of scale and design.

9.2 It is not considered that the proposals would result in a greater impact in terms of neighbouring amenity than the previous scheme which as noted above was considered acceptable by the appeal Inspector.

9.2 It is therefore 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: R234-01, R234-08 Revision F, R234-04,
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 work shall be commenced on the development hereby approved until details/samples of materials and finishes to be used on the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out using the approved materials.
Reason: To ensure that the development is completed in a manner compatible with its surroundings.

General conditions

03 The first floor window in the rear elevation of the extension hereby approved shall be obscure glazed and non-opening at the time of installation and shall remain thus in perpetuity. No first floor windows other than those shown in the approved plans shall be installed in the rear elevation of the property.
Reason: In the interests of neighbouring amenity.

NOTE TO APPLICANT

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

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

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

04 The applicant is advised that no opinion is offered by the Council on whether or not the garage constitutes permitted development and it has not been considered as part of this application. The applicant is advised to apply for a Lawful Development Certificate for a formal determination as to whether the garage constitutes permitted development.

APPLICATION DETAILS

No: 16/0978 Ward: **LLANWERN**

Type: Full

Expiry Date: 16-DEC-2016

Applicant: **ANGELA POOK PARK LODGE, LODGE HILL, LLANWERN, NEWPORT, NP18 2DQ**

Site: **Park Lodge, LODGE HILL, LLANWERN, NEWPORT, NP18 2DQ**

Proposal: **ADDITION OF FIRST FLOOR TO EXISTING SINGLE STOREY DWELLING AND REAR SINGLE STOREY EXTENSION (RESUBMISSION)**

1. LATE REPRESENTATIONS

- 1.3 The site is located adjacent to a Historic Landscape. Policy CE4 (Historic Landscapes, Parks, Gardens and Battlefields) of the Council's Local Development Plan protects such sites against the impacts of inappropriate development.
- 1.4 The application site is located approximately 22m away from the track which leads to and forms part of the Historic Landscape with the main landscape being approximately 170m away. Due to the considerable distances between the site and the landscape and the acceptable design of the proposals, Officer's do not consider that the proposals would adversely affect the Historic Landscape. The Council is statutorily obliged to consult Welsh Government Ministers (CADW) on applications that may affect Historic Landscapes or their settings.
- 1.5 The consultation deadline for CADW to comment by is 22nd December.

2. OFFICER RECOMMENDATION

- 2.1 That Delegated powers be given to the Head of Regeneration, Investment and Housing to grant the application subject to conditions subject to no objections being raised by Welsh Government Ministers by 23rd December 2016.

APPLICATION DETAILS

No: 16/0829 **Ward:** GRAIG

Type: FULL

Expiry Date: 28-NOV-2016

Applicant: GARETH DRAPER

Site: PENTREPOETH PRIMARY SCHOOL, CWM-CWDDY DRIVE,
BASSALEG, NEWPORT, NP10 8JN

Proposal: DEMOLITION OF EXISTING DEMOUNTABLE AND EXTENSION OF
EXISTING BUILDING TO ACCOMMODATE TWO NEW CLASSROOMS
PLUS A NURSERY UNIT

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

1.1 This application seeks full planning permission for the demolition of an existing demountable building and an extension to the existing building to create two new classrooms and a nursery unit at Pentrepoeth Primary School.

2. RELEVANT SITE HISTORY

94/0899	PROPOSED SITING OF A SINGLE DEMOUNTABLE CLASSROOM UNIT	Granted
13/0674	ERECTION OF 2.4M HIGH VERTICAL BAR FENCING AFFECTING PUBLIC RIGHT OF WAY 393/100	Granted

3. POLICY CONTEXT

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

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

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

4. CONSULTATIONS

- 4.1 WESTERN POWER DISTRIBUTION: Advise of apparatus in the area.
- 4.2 WALES AND WEST UTILITIES: Advise of apparatus in the area.
- 4.3 DWR CYMUR – WESLH WATER: Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts us on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (TREE OFFICER): A replacement tree has been agreed, recommends a condition securing this along with the details of the replacement tree.
- 5.2 HEAD OF LAW AND REGULATION (ENV. HEALTH): No objection subject to the imposition of a condition requiring a construction environmental management plan.
- 5.3 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): In regard to the increase in pupil numbers, it would appear that all drop off for the school takes place on the highway. As with any school this creates a high demand for on street parking during the start and the end of the day. I would expect there to be an element of link trips whereby pupils already have siblings attending the school and also that some pupils may walk to site or utilise public transport. That being said there is a potential for a minor increasing in private vehicles being used to travel to the site.
 - 5.3.1 A travel plan will set out aims and a package of measures to promote sustainable travel choices for pupils, staff and visitors. The implementation of a travel plan will help to alleviate the reliance on a private vehicle for travel and therefore the congestion associated with the drop off and collection of pupils. I would therefore offer no objection to the application subject to a condition which requires the implementation of a travel plan.
 - 5.3.2 A CEMP must also be conditioned and include such details as contractor compound/parking, wheel wash facilities and dust suppression. It must also clearly demonstrate that construction traffic will not conflict with the beginning and end of the school day.
 - 5.3.3 *Following the submission of a parking plan:* Based upon the information provided the existing level of parking spaces will satisfy the requirements in accordance with the Newport City Council Parking Standards.
- 5.4 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): I do not object to the proposals. I would recommend that bat boxes be installed on the new building in line with the Wildlife and Development SPG and this should be considered an ecological enhancement.
- 5.5 HEAD OF STREETSCENE AND CITY SERVICES (DRAINAGE): No information has been provided as to how surface water drainage is to be managed on the site.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties sharing a common boundary with the application site were consulted (16 properties). 1 response was received raising the following concerns:
- The proposal will further exacerbate the existing parking problems. At present parents are ignoring the signage specifically directing entrance to the school via Bryn Hedydd off Cwm Cwddy Drive and parking at the deliveries entrance to the school in front of, and on a number occasions blocking access to the houses 62,64,66,75,77,79 and 81 Cwm Cwddy Drive. Also as the school has expanded part time staff are also using the deliveries entrance road as a parking area for the working day which on many occasions which restricts the delivery of goods. Delivery vehicles have had to park at the entrance to the cul-de-sac and unload which completely blocks access to the houses enumerated. As the school also uses this entrance for bus trips further congestion results. If the proposed extension is approved the possibility of an increased role of 60 and a nursery role of 30 can be envisaged which will further exacerbate the traffic numbers to deliver pupils to the school.
 - There is a health and safety issue apparent as the children do not all use the single pedestrian way provided but walking on the road with cars coming and going and turning in the tight confines of the road access. This is of considerable concern and will if allowed to continue with a foreseeable traffic increase result in an injury.
 - Temporary buildings which have been in place for a reasonable duration are a source of accommodation for many forms of wildlife. It is noted that no bat survey has been carried out.
- 6.2 GRAIG COMMUNITY COUNCIL: No response.

7. ASSESSMENT

- 7.1 The proposal relates to the demolition of a demountable building which is located off the north west entrance to the school. It is proposed to extend the main school building off this north west entrance. The extension would cover the area occupied by the demountable building, a play area, planting beds and a tree. The extension would be single storey and would continue the roof line and gable window features of the existing building. The roof would be finished in aluminium insulated panels to match the existing roof. All other materials would match the existing school, including brick elevations, black powder coated windows and doors and red window panels. Roof lights are proposed to provide light to the internal corridor and reception classrooms. Two canopies are proposed to allow for covered play on the north west elevation and south east elevation of the extension.
- 7.2 Policies GP2 (General Amenity), GP4 (Highways and Accessibility), GP5 (Natural Environment), GP6 (Quality of Design), GP7 (Environmental Protection and Public Health) and T4 (Parking) of the Newport Local Development Plan 2011-2026 are relevant to the determination of this application.
- 7.3 The school is surrounded by residential properties on its north, south and west boundaries. The nearest residential property to the proposed extension is 19 Sunnybank which would be located around 17m from the north west elevation of the extension. The extension would be 3m closer to this property than the existing demountable building. There are no windows in the north west elevation except for some recessed windows serving a classroom which would be around 20m from the neighbouring property. There is extensive vegetation along the boundary with the neighbouring property. Notwithstanding this it is considered that there is sufficient distance between the proposed extension to prevent any loss of privacy.
- 7.4 The design of the proposed extension is considered to be acceptable as it continues the architectural style of the existing building, along with matching materials.
- 7.5 The extension would provide 2 reception classrooms which would accommodate existing pupils at the school and not result in additional primary school pupils, but provide improved accommodation in place of the demountable. However, the extension would also

accommodate a nursery which is not currently provided at the school, which would accommodate 16 nursery pupils. In terms of parking provision the Head of Streetscene and City Services (Highways) comments that it appears that all drop off for the school takes place on the highway. As with any school this creates a high demand for on street parking during the start and the end of the day. It is expected that there would be an element of linked trips whereby pupils already have siblings attending the school and also that some pupils may walk to site or utilise public transport. However, there is potential for a minor increase in private vehicles being used to travel to the site. As such a condition securing a travel plan which sets out aims and a package of measures to promote sustainable travel choices for pupils, staff and visitors is recommended.

- 7.6 In terms of teaching staff the Parking Standards Supplementary Planning Guidance requires 1 parking space for each staff member. The proposed extension would result in two additional staff and as such two additional parking spaces. The applicant has submitted a plan which demonstrates that there are 48 No parking spaces available. As the total number of staff would be 38 then it is considered that there would be adequate parking provision. The Head of Streetscene and City Services (Highways) has no objection in this respect.
- 7.7 The Head of Streetscene and City Services (Highways) and the Head of Law and Regulation (Environmental Health) recommend a condition requiring the submission of a Construction Environmental Management Plan which is attached.
- 7.8 The proposals would involve the loss of 3 small trees. The Head of Streetscene and City Services (Tree Officer) has no objection to the proposals subject to a condition requiring details and the planting of a replacement tree.
- 7.9 The Head of Streetscene and City Services (Ecology) has no objection to the proposal but recommends that bat boxes be installed on the new building in line with the Wildlife and Development SPG. A condition to secure this is attached.
- 7.10 The Head of Streetscene and City Services (Drainage) comments that there is no information in relation to surface water drainage. It is noted that the applicant has stated that surface water would be discharged to the main sewer. Welsh Water has not raised any concerns in relation to this and as such it is not considered necessary to require any further information.
- 7.11 The comments raised by a neighbour are noted and have been addressed in the proceeding paragraphs.

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 in accordance with policies GP2, GP4, GP5, GP6, GP7 and T4 of the Newport Local Development Plan 2011-2026. It is recommended that planning permission is granted.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: NPS-DR-A-(00)001 P2, 002, 003 P2, 010, 011 P2, 020, 021, 030 P2, 150 and an email from Newport Norse (13 October 2013).

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 Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following during development:

- dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition Activities;
- contractor compound/parking;
- wheel washing facilities

The plan shall also demonstrate that construction traffic will not conflict with the beginning and end of the school day.

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

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

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

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

04 Prior to the felling of any tree(s), full details of a replacement tree shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the position, species and size of the replacement tree. The replacement tree as approved shall be

planted within the first full planting season (October to April) following the felling of the existing tree(s).

Reason: To secure an appropriate replacement tree in the interests of the visual amenities of the area.

05 Prior to commencement of development, a scheme of ecological enhancement (such as bats boxes) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the first use of the extension.

Reason: In order to enhance the ecological value of the site.

Pre –occupation conditions

06 Prior to the first use of the extension hereby approved a Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall include a package of measures to promote sustainable travel choices for pupils, staff and visitors. The plan shall be implemented as approved.

Reason: To ensure the efficient function of the site, to avoid any adverse impacts on the local highways and to promote sustainable transport.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP5, GP6, GP7 and T4 were relevant to the determination of this application.

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

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

APPLICATION DETAILS

No: 16/0862 **Ward:** *ROGERSTONE*

Type: FULL

Expiry Date: 23-DEC-2016

Applicant: *T WILLIAMS*

Site: *17, CEDAR WOOD DRIVE, ROGERSTONE, NEWPORT, NP10 9JR*

Proposal: *RETROSPECTIVE APPLICATION TO RETAIN THE USE OF LAND AS RESIDENTIAL CURTILAGE AND THE ERECTION OF BOUNDARY FENCING*

Recommendation: *GRANTED WITH CONDITIONS*

1. INTRODUCTION

- 1.1 This application seeks planning permission for the retention of a change of use of land to form part of the residential curtilage at 17 Cedar Wood Drive, Rogerstone, Newport. The land in question adjoins to the western boundary of the property's lawful curtilage, has been overgrown for a number of years and included a number of invasive species, such as Japanese Knotweed. The applicant has since cleared the land of all scrub, treated the invasive species and erected 1.8m high boundary fencing to enclose a parcel of this land as part of their garden area. The area of land the subject to this application comprises an area of approximately 4m x 30m, but forms part of a wider area which has been cleared and enclosed at nos 17, 21, 23, 25 and 27 Cedar Wood Drive.
- 1.2 Councillor Tom Bond has requested that this, and other related applications, are determined by planning committee over a concern for setting a precedent "by the appropriation of previously public land by individual residents to expand their private gardens, especially with regard to the negative impact on the available space for public access along the riverbank".

2. RELEVANT SITE HISTORY

92/0692	DEMOLITION OF BUILDINGS AND STRUCTURES AND COMPREHENSIVE REDEVELOPMENT TO INCLUDE RESIDENTIAL CLASS B1/B2/B8 ACCOMMODATION A PRIMARY SCHOOL A COMMUNITY CENTRE ROADS FOOTPATHS AND LANDSCAPING (RESUBMISSION)	Granted with Conditions
99/0249	ERECTION OF 90 NO. TWO STOREY DWELLINGS WITH GARAGES SCREENING LANDSCAPING AND ASSOCIATED WORKS	Approved with Conditions
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16/0919	RETENTION OF CHANGE OF USE OF LAND TO FORM PART OF RESIDENTIAL CURTILAGE – 25 CEDAR WOOD DRIVE	On this agenda
16/0928	RETROSPECTIVE EXTENSION OF REAR GARDEN BOUNDARIES, INCLUDING THE RETENTION OF LAND WITHIN FOR USE AS RESIDENTIAL CURTILAGE – 21 CEDAR WOOD DRIVE	On this agenda

3. POLICY CONTEXT

3.1 Newport Local Development Plan 2011-2026 (Adopted January 2015), “the LDP”

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

Policy SP3 Flood Risk ensures development is directed away from flood risk 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 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 CE3 Environmental Spaces and Corridors safeguards environmental space and corridors as identified on the Proposals Map. Development of environment space will only be permitted where the existing space will be improved or complemented; there is no adverse impact on nature conservation interest; there is an appropriate replacement; or it can be demonstrated that there is an excess of environmental space.

3.2 Newport City Council Wildlife and Development Supplementary Planning Guidance (Adopted August 2015), “the SPG”

Aims to;

- Ensure that the key principles of national planning guidance on biodiversity and nature conservation are fully met at the local level;
- Ensure that local planning decisions maintain, restore and enhance biodiversity in Newport;
- Ensure best practice is followed consistently and openly;
- Minimise the cost to development and streamline the application process by ensuring nature conservation implications are built in at the earliest stages, are as predictable as possible, and that only relevant development proposals are affected; and
- Integrate Newport’s local biodiversity action plan into the planning process and identify pathways for delivery.

4. CONSULTATIONS

4.1 NATURAL RESOURCES WALES: No comments to make on the application.

- 4.2 HEALTH AND SAFETY EXECUTIVE: The HSE, on safety grounds, does not advise against the granting of planning permission in this case.
- 4.3 WALES & WEST UTILITIES: Have not objected to this application but comment that a high pressure gas pipeline lies at the rear of the properties on Cedar Wood Drive. They state that there is an easement around this pipeline of 20 feet, which also prevents the owner/occupier from erecting or installing any building or structure or permanent apparatus on the strip of land. They have stated that they have written to the owners of 25 and 27 Cedar Wood Drive, which are adjoining the pipeline to inform them that they require consent from WWU for the works that have been undertaken over the easement strip. Also provide advice on safe working procedures within specified distances of pipelines.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPE OFFICER): The land in question is public open space; part of a natural, uninterrupted greenspace, important for biodiversity, running along both sides of the river for a significant distance and width. It is not 'wasteland', as described by the Applicant; but rather part of a large and valuable, linear wildlife corridor, providing a variety of habitats associated with the river, which must not be eroded, either by reducing its width or overall area. I therefore object to this application.
- 5.2.1 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY OFFICER): Having visited the site it is extremely difficult to ascertain what vegetation was there prior to the extension of the garden boundaries. I expect a variety of scrub was present including bramble etc. There is a significant amount of Himalayan balsam and Japanese knotweed on the site. This does concern me slightly as ground works have taken place which may have inadvertently spread the named species. It must be stressed that if you allow contaminated soil or plant material from any waste you transfer to spread into the wild you could be fined up to £5,000 or be sent to prison for up to 2 years.
- 5.2.2 My concern is that precedence may have been set now, however I have walked along the other sections and have taken note of what is there, therefore will be able to ascertain impacts. If these applications were not retrospective I would be requesting details of how the invasive species on the site are proposed to be managed to prevent the spread. Also, that any scrub clearance be undertaken outside bird nesting season.
- 5.2.3 In light of the above and the unlikely significant impacts upon ecology (provided invasive are appropriately managed) I do not object to these applications.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties with a common boundary with the application site, and an enforcement complainant were consulted (5No properties). 1No response was received, objecting to the application and requesting that it is refused on the following summarised grounds;
- Siting
 - A high pressure gas pipeline runs directly beneath the land in question. Conversion and retention of the land to residential curtilage creates safety concerns such as; impeding access for inspection, maintenance and repairs, impacts on the structural integrity of the pipeline, the use of heavy machinery in site clearance, erection of fencing, planting of fast growing Leylandii over the pipeline, and the future use as garden area with buildings of sheds/structures and planting of trees and hedges.
 - Before site clearance, the land was used as a footpath connecting Cedar Wood Drive to the Ebbw Bridge path on the east of the river bank. It was used since 2002, but access is being deprived.
 - External appearance / landscaping
 - The change of use is not in the public interest, degrades the character of the area and sets a precedent in the area.
 - The site was used as public open space and part of the area's green infrastructure, consisting of natural habitat of mixed native shrub.

- The community are deprived of benefits, many of which are priorities in Newport's LDP, such as;
 - contribution to enhanced air quality and flood prevention,
 - local access to nature with associated benefits to health and wellbeing
 - the open character of the area provided a pleasant aspect for the public and enhanced the amenity value of the site,
 - a wildlife corridor and biodiversity asset
- The boundary fencing creates an oppressive and dismal character in the area,
- The clearance was undertaken in peak bird breeding season,
- The development now substantially impairs the value of the area for wildlife and the public, and is, in conflict with the strategic objectives in Newport's LDP and SPG on Wildlife and Development.

6.2 COUNCILLOR TOM BOND: Requests the application be determined at planning committee over a concern of setting a precedent and the loss of public access along the riverbank.

6.3 ROGERSTONE COMMUNITY COUNCIL: No response.

7. ASSESSMENT

7.1 The land in question is residential land within the ownership of Persimmon Homes dating back to the residential development of the wider estate. Until its recent clearance by the applicant and surrounding properties, it was overgrown having not been tended to by the owner. There is evidence on site that there were invasive species present, as confirmed by the Council's Ecology Officer. It has been confirmed that the invasive species have been appropriately treated as part of the development.

7.2 The section of land bordered the gardens to the residential dwellings along Cedar Wood Drive to the east, and to the west is a fence which separates the housing estate from the 'accessible natural greenspace', SINC and Public Right of Way that runs along the banks of the River Ebbw. It should be noted that the land the subject of this application does not fall within the boundaries of the aforementioned designations. The land in question has no formal designation, and was used as an informal route for the public to access the footbridge across the river, with the more formal route to this access remaining in place at the northern end of Cedar Wood Drive. Prior to these works taking place, it was an area of overgrown vegetation.

Visual amenities and access

7.3 As the proposal is located at the side of the property in question, and effectively comprises the erection of a residential style fence within a residential area, it is not considered that it would have a detrimental impact on the visual amenities of the area. It is appreciated that the development has resulted in the loss of vegetation, although it had little amenity value as it was an area of overgrown scrub at the side of the property.

7.4 The development has resulted in the loss of land which was previously used as an informal passing route for pedestrians, although there remains a strip of land to the west of the new boundary fence to allow for pedestrian access, if desired, and the formal route along Cedar Wood Drive remains in place.

Precedent

7.5 The comments of the objector and local councillor are noted with regards to setting a precedent. It is not considered that this proposal would set an unacceptable precedent as the area of land in question is minimal and was overgrown vegetation with no formal designations, such as environmental space or Green Belt. Further, there remains an area of vegetation and pedestrian access, and there is no reduction in the area designated as a SINC or accessible green space along the river bank. In addition, every application has to be judged on its own merits, and an application for an extended garden area elsewhere on the estate may have different considerations and impacts which could result in a decision which differs from this one.

Ecology

- 7.6 Regrettably, the development was undertaken without first receiving planning permission, so the ecological impact that has taken place is difficult to assess. However, the Council's Ecology Officer has visited the site and noted the presence of invasive species, such as Himalayan balsam and Japanese knotweed. Despite the aims of the SPG, her comments conclude that there are unlikely to be any significant impacts upon ecology and therefore there are no objections to the development, provided that invasive species are appropriately managed, which can be controlled by condition. Although the aims of the SPG are noted, the advice from the Council's Ecology Officer concludes that there is no unacceptable impact on ecology, and it is therefore considered that the proposal is acceptable in that regard.

Safety

- 7.7 It is noted that the site is in close proximity to a high pressure gas pipeline. Initial Wales & West comments were received which provided generic advice regarding development in proximity to such apparatus in the interests of safety. Further comments were then sought as the applications are retrospective. WWU have not objected to the proposal, but have informed the owners/applicants that they need to obtain consent for WWU for the works in proximity to the pipeline. They have also provided a copy of the easement which prevents any buildings, structures or permanent apparatus being erected within the easement. It is considered that a condition which prevents the erection of any outbuildings, structures or other boundary treatments on this land is appropriate to afford protection to the WWU easement, and also to ensure the safety and integrity of the gas pipeline with respect of any building or excavation works. No17 is furthest from the pipeline of the properties that have undertaken the development. However, the distance to the pipeline still falls within the distances set out in the WWU initial response regarding working in proximity to a pipeline.
- 7.8 Further, the Council has consulted with The Health and Safety Executive on the proposal who have not advised against the development on safety grounds.

Flooding

- 7.9 The area of land in question is located within a C2 flood risk area, as an area at risk of fluvial flooding, which is not served by flood defences. TAN15 advises against highly vulnerable development being permitted in C2 flood risk areas. However, given the nature of the development, it is not considered that the risk from flooding would increase as a result of the works, or the inclusion of the land within the residential curtilage, particularly as the dwelling and its existing curtilage are also within Zone C2.

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 Having regards to the aforementioned policies of the LDP and guidance contained within the SPG, it is concluded that the impact arising from the works are acceptable with regards to visual amenities, character, safety, flooding and ecology. It is therefore recommended that planning permission is granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents; Proposed boundary change drawing.

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

Condition requiring the submission of information

02 Within 3 months of the date of this decision, an Invasive Species Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The land shall be maintained in accordance with the approved management plan thereafter.

Reason: In order to prevent the spread of invasive species.

General conditions

03 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), Schedule 2, Part 1, no development within Classes A or E shall be carried out within the extended part of the garden hereby permitted without the prior written permission of the Local Planning Authority.

Reason: In the interests of safety and access with regards to the high pressure gas pipeline.

04 Notwithstanding the existing boundary treatments, or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), Schedule 2, Part 2, Class A, no wall, fence, gate, hedge or other means of enclosure shall be erected or planted within the extended part of the garden hereby permitted without the prior written permission of the Local Planning Authority.

Reason: In the interests of the safety and integrity of the gas pipeline.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Design and Access Statement, Site Location Plan and Supporting photographs.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP9, GP2, GP5, GP6, GP7 and CE3 were relevant to the determination of this application.

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

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.

APPLICATION DETAILS

No: 16/0919 **Ward:** **ROGERSTONE**

Type: **FULL**

Expiry Date: **02-NOV-2016**

Applicant: **R MATTHEWS**

Site: **25, CEDAR WOOD DRIVE, ROGERSTONE, NEWPORT, NP10 9JR**

Proposal: **RETENTION OF CHANGE OF USE OF LAND TO FORM PART OF RESIDENTIAL CURTILAGE**

Recommendation: **GRANTED WITH CONDITIONS**

1. INTRODUCTION

- 1.1 This application seeks planning permission for the retention of a change of use of land to form part of the residential curtilage at 25 Cedar Wood Drive, Rogerstone, Newport. The land in question adjoins to the western boundary of the property's lawful curtilage, has been overgrown for a number of years and included a number of invasive species, such as Japanese Knotweed. The applicant has since cleared the land of all scrub, treated the invasive species and erected 1.8m high boundary fencing to enclose a parcel of this land as part of their garden area. The area of land the subject to this application comprises an area of 4m x 12m, but forms part of a wider area which has been cleared and enclosed at nos 17, 21, 23, 25 and 27 Cedar Wood Drive.
- 1.2 Councillor Tom Bond has requested that this, and other related applications, are determined by planning committee over a concern for setting a precedent "by the appropriation of previously public land by individual residents to expand their private gardens, especially with regard to the negative impact on the available space for public access along the riverbank".

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16/0862	RETROSPECTIVE APPLICATION TO RETAIN THE USE OF LAND AS RESIDENTIAL CURTILAGE AND THE ERECTION OF BOUNDARY FENCING – 17 CEDAR WOOD DRIVE	On this agenda
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 - External appearance / landscaping
 - The change of use is not in the public interest, degrades the character of the area and sets a precedent in the area.
 - The site was used as public open space and part of the area's green infrastructure, consisting of natural habitat of mixed native shrub.
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Precedent

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- 7.6 Regrettably, the development was undertaken without first receiving planning permission, so the ecological impact that has taken place is difficult to assess. However, the Council's Ecology Officer has visited the site and noted the presence of invasive species, such as Himalayan balsam and Japanese knotweed. Despite the aims of the SPG, her comments conclude that there are unlikely to be any significant impacts upon ecology and therefore there are no objections to the development, provided that invasive species are appropriately managed, which can be controlled by condition. Although the aims of the SPG are noted, the advice from the Council's Ecology Officer concludes that there is no unacceptable impact on ecology, and it is therefore considered that the proposal is acceptable in that regard.

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- 7.7 It is noted that the site is in close proximity to a high pressure gas pipeline. Initial Wales & West comments were received which provided generic advice regarding development in proximity to such apparatus in the interests of safety. Further comments were then sought as the applications are retrospective. WWU have not objected to the proposal, but have informed the owners/applicants that they need to obtain consent for WWU for the works in proximity to the pipeline. They have also provided a copy of the easement which prevents any buildings, structures or permanent apparatus being erected within the easement. It is considered that a condition which prevents the erection of any outbuildings, structures or other boundary treatments on this land is appropriate to afford protection to the WWU easement, and also to ensure the safety and integrity of the gas pipeline with respect of any building or excavation works. No17 is furthest from the pipeline of the properties that have undertaken the development. However, the distance to the pipeline still falls within the distances set out in the WWU initial response regarding working in proximity to a pipeline.
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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 Having regards to the aforementioned policies of the LDP and guidance contained within the SPG, it is concluded that the impact arising from the works are acceptable with regards to visual amenities, character, safety, flooding and ecology. It is therefore recommended that planning permission is granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents; 1:500 Site 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

Condition requiring the submission of information

02 Within 3 months of the date of this decision, an Invasive Species Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The land shall be maintained in accordance with the approved management plan thereafter.

Reason: In order to prevent the spread of invasive species.

General conditions

03 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), Schedule 2, Part 1, no development within Classes A or E shall be carried out within the extended part of the garden hereby permitted without the prior written permission of the Local Planning Authority.

Reason: In the interests of safety and access with regards to the high pressure gas pipeline.

04 Notwithstanding the existing boundary treatments, or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), Schedule 2, Part 2, Class A, no wall, fence, gate, hedge or other means of enclosure shall be erected or planted within the extended part of the garden hereby permitted without the prior written permission of the Local Planning Authority.

Reason: In the interests of the safety and integrity of the gas pipeline.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Design and Access Statement and Site Location Plan.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP9, GP2, GP5, GP6, GP7 and CE3 were relevant to the determination of this application.

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

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.

APPLICATION DETAILS

No: 16/0928 **Ward:** ROGERSTONE

Type: FULL

Expiry Date: 06-NOV-2016

Applicant: D WAY

Site: 21, CEDAR WOOD DRIVE, ROGERSTONE, NEWPORT, NP10 9JR

Proposal: *RETROSPECTIVE EXTENSION OF REAR GARDEN BOUNDARIES, INCLUDING THE RETENTION OF LAND WITHIN FOR USE AS RESIDENTIAL CURTILAGE*

Recommendation: *GRANTED WITH CONDITIONS*

1. INTRODUCTION

- 1.1 This application seeks planning permission for the retention of a change of use of land to form part of the residential curtilage at 21 Cedar Wood Drive, Rogerstone, Newport. The land in question adjoins to the western boundary of the property's lawful curtilage, has been overgrown for a number of years and included a number of invasive species, such as Japanese Knotweed. The applicant has since cleared the land of all scrub, treated the invasive species and erected 1.8m high boundary fencing to enclose a parcel of this land as part of their garden area. The area of land the subject to this application comprises an area of approximately 4m x 10m, but forms part of a wider area which has been cleared and enclosed at nos 17, 21, 23, 25 and 27 Cedar Wood Drive.
- 1.2 Councillor Tom Bond has requested that this, and other related applications, are determined by planning committee over a concern for setting a precedent "by the appropriation of previously public land by individual residents to expand their private gardens, especially with regard to the negative impact on the available space for public access along the riverbank".

2. RELEVANT SITE HISTORY

92/0692	DEMOLITION OF BUILDINGS AND STRUCTURES AND COMPREHENSIVE REDEVELOPMENT TO INCLUDE RESIDENTIAL CLASS B1/B2/B8 ACCOMMODATION A PRIMARY SCHOOL A COMMUNITY CENTRE ROADS FOOTPATHS AND LANDSCAPING (RESUBMISSION)	Granted with Conditions
99/0249	ERECTION OF 90 NO. TWO STOREY DWELLINGS WITH GARAGES SCREENING LANDSCAPING AND ASSOCIATED WORKS	Approved with Conditions
01/0860	RE-PLAN OF PLOTS 80/83A	Granted with Conditions
16/0862	RETROSPECTIVE APPLICATION TO RETAIN THE USE OF LAND AS RESIDENTIAL CURTILAGE AND THE ERECTION OF BOUNDARY FENCING – 17 CEDAR WOOD DRIVE	On this agenda
16/0919	RETENTION OF CHANGE OF USE OF LAND TO FORM PART OF RESIDENTIAL CURTILAGE – 25 CEDAR WOOD DRIVE	On this agenda

3. POLICY CONTEXT

3.1 Newport Local Development Plan 2011-2026 (Adopted January 2015), “the LDP”

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

Policy SP3 Flood Risk ensures development is directed away from flood risk 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 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 CE3 Environmental Spaces and Corridors safeguards environmental space and corridors as identified on the Proposals Map. Development of environment space will only be permitted where the existing space will be improved or complemented; there is no adverse impact on nature conservation interest; there is an appropriate replacement; or it can be demonstrated that there is an excess of environmental space.

3.2 Newport City Council Wildlife and Development Supplementary Planning Guidance (Adopted August 2015), “the SPG”

Aims to;

- Ensure that the key principles of national planning guidance on biodiversity and nature conservation are fully met at the local level;
- Ensure that local planning decisions maintain, restore and enhance biodiversity in Newport;
- Ensure best practice is followed consistently and openly;
- Minimise the cost to development and streamline the application process by ensuring nature conservation implications are built in at the earliest stages, are as predictable as possible, and that only relevant development proposals are affected; and

Integrate Newport’s local biodiversity action plan into the planning process and identify pathways for delivery.

4. CONSULTATIONS

4.1 NATURAL RESOURCES WALES: No comments to make on the application.

4.2 HEALTH AND SAFETY EXECUTIVE: The HSE, on safety grounds, does not advise against the granting of planning permission in this case.

- 4.3 WALES & WEST UTILITIES: Have not objected to this application but comment that a high pressure gas pipeline lies at the rear of the properties on Cedar Wood Drive. They state that there is an easement around this pipeline of 20 feet, which also prevents the owner/occupier from erecting or installing any building or structure or permanent apparatus on the strip of land. They have stated that they have written to the owners of 25 and 27 Cedar Wood Drive, which are adjoining the pipeline to inform them that they require consent from WWU for the works that have been undertaken over the easement strip. Also provide advice on safe working procedures within specified distances of pipelines.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPE OFFICER): The land in question is public open space; part of a natural, uninterrupted greenspace, important for biodiversity, running along both sides of the river for a significant distance and width. It is not 'wasteland', as described by the Applicant; but rather part of a large and valuable, linear wildlife corridor, providing a variety of habitats associated with the river, which must not be eroded, either by reducing its width or overall area. I therefore object to this application.
- 5.2.1 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY OFFICER): Having visited the site it is extremely difficult to ascertain what vegetation was there prior to the extension of the garden boundaries. I expect a variety of scrub was present including bramble etc. There is a significant amount of Himalayan balsam and Japanese knotweed on the site. This does concern me slightly as ground works have taken place which may have inadvertently spread the named species. It must be stressed that if you allow contaminated soil or plant material from any waste you transfer to spread into the wild you could be fined up to £5,000 or be sent to prison for up to 2 years.
- 5.2.2 My concern is that precedence may have been set now, however I have walked along the other sections and have taken note of what is there, therefore will be able to ascertain impacts. If these applications were not retrospective I would be requesting details of how the invasive species on the site are proposed to be managed to prevent the spread. Also, that any scrub clearance be undertaken outside bird nesting season.
- 5.2.3 In light of the above and the unlikely significant impacts upon ecology (provided invasive are appropriately managed) I do not object to these applications.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties with a common boundary with the application site, and an enforcement complainant were consulted (5No properties). 1No response was received, objecting to the application and requesting that it is refused on the following summarised grounds;
- Siting
 - A high pressure gas pipeline runs directly beneath the land in question. Conversion and retention of the land to residential curtilage creates safety concerns such as; impeding access for inspection, maintenance and repairs, impacts on the structural integrity of the pipeline, the use of heavy machinery in site clearance, erection of fencing, planting of fast growing Leylandii over the pipeline, and the future use as garden area with buildings of sheds/structures and planting of trees and hedges.
 - Before site clearance, the land was used as a footpath connecting Cedar Wood Drive to the Ebbw Bridge path on the east of the river bank. It was used since 2002, but access is being deprived.
 - External appearance / landscaping
 - The change of use is not in the public interest, degrades the character of the area and sets a precedent in the area.
 - The site was used as public open space and part of the area's green infrastructure, consisting of natural habitat of mixed native shrub.
 - The community are deprived of benefits, many of which are priorities in Newport's LDP, such as;
 - contribution to enhanced air quality and flood prevention,
 - local access to nature with associated benefits to health and wellbeing

- the open character of the area provided a pleasant aspect for the public and enhanced the amenity value of the site,
- a wildlife corridor and biodiversity asset
- The boundary fencing creates an oppressive and dismal character in the area,
- The clearance was undertaken in peak bird breeding season,
- The development now substantially impairs the value of the area for wildlife and the public, and is, in conflict with the strategic objectives in Newport's LDP and SPG on Wildlife and Development.

6.2 COUNCILLOR TOM BOND: Requests the application be determined at planning committee over a concern of setting a precedent and the loss of public access along the riverbank.

6.3 ROGERSTONE COMMUNITY COUNCIL: No response.

7. ASSESSMENT

7.1 The land in question is residential land within the ownership of Persimmon Homes dating back to the residential development of the wider estate. Until its recent clearance by the applicant and surrounding properties, it was overgrown having not been tended to by the owner. There is evidence on site that there were invasive species present, as confirmed by the Council's Ecology Officer. It has been confirmed that the invasive species have been appropriately treated as part of the development.

7.2 The section of land bordered the gardens to the residential dwellings along Cedar Wood Drive to the east, and to the west is a fence which separates the housing estate from the 'accessible natural greenspace', SINC and Public Right of Way that runs along the banks of the River Ebbw. It should be noted that the land the subject of this application does not fall within the boundaries of the aforementioned designations. The land in question has no formal designation, and was used as an informal route for the public to access the footbridge across the river, with the more formal route to this access remaining in place at the northern end of Cedar Wood Drive. Prior to these works taking place, it was an area of overgrown vegetation.

Visual amenities and access

7.3 As the proposal is located at the rear of the property in question, and effectively comprises the erection of a residential style fence within a residential area, it is not considered that it would have a detrimental impact on the visual amenities of the area. It is appreciated that the development has resulted in the loss of vegetation, although it had little amenity value as it was an area of overgrown scrub at the rear of the property.

7.4 The development has resulted in the loss of land which was previously used as an informal passing route for pedestrians, although there remains a strip of land to the west of the new boundary fence to allow for pedestrian access, if desired, and the formal route along Cedar Wood Drive remains in place.

Precedent

7.5 The comments of the objector and local councillor are noted with regards to setting a precedent. It is not considered that this proposal would set an unacceptable precedent as the area of land in question is minimal and was overgrown vegetation with no formal designations, such as environmental space or Green Belt. Further, there remains an area of vegetation and pedestrian access, and there is no reduction in the area designated as a SINC or accessible green space along the river bank. In addition, every application has to be judged on its own merits, and an application for an extended garden area elsewhere on the estate may have different considerations and impacts which could result in a decision which differs from this one.

Ecology

7.6 Regrettably, the development was undertaken without first receiving planning permission, so the ecological impact that has taken place is difficult to assess. However, the Council's Ecology Officer has visited the site and noted the presence of invasive species, such as

Himalayan balsam and Japanese knotweed. Despite the aims of the SPG, her comments conclude that there are unlikely to be any significant impacts upon ecology and therefore there are no objections to the development, provided that invasive species are appropriately managed, which can be controlled by condition. Although the aims of the SPG are noted, the advice from the Council's Ecology Officer concludes that there is no unacceptable impact on ecology, and it is therefore considered that the proposal is acceptable in that regard.

Safety

- 7.7 It is noted that the site is in close proximity to a high pressure gas pipeline. Initial Wales & West comments were received which provided generic advice regarding development in proximity to such apparatus in the interests of safety. Further comments were then sought as the applications are retrospective. WWU have not objected to the proposal, but have informed the owners/applicants that they need to obtain consent for WWU for the works in proximity to the pipeline. They have also provided a copy of the easement which prevents any buildings, structures or permanent apparatus being erected within the easement. It is considered that a condition which prevents the erection of any outbuildings, structures or other boundary treatments on this land is appropriate to afford protection to the WWU easement, and also to ensure the safety and integrity of the gas pipeline with respect of any building or excavation works. No17 is furthest from the pipeline of the properties that have undertaken the development. However, the distance to the pipeline still falls within the distances set out in the WWU initial response regarding working in proximity to a pipeline.
- 7.8 Further, the Council has consulted with The Health and Safety Executive on the proposal who have not advised against the development on safety grounds.

Flooding

- 7.9 The area of land in question is located within a C2 flood risk area, as an area at risk of fluvial flooding, which is not served by flood defences. TAN15 advises against highly vulnerable development being permitted in C2 flood risk areas. However, given the nature of the development, it is not considered that the risk from flooding would increase as a result of the works, or the inclusion of the land within the residential curtilage, particularly as the dwelling and its existing curtilage are also within Zone C2.

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 Having regards to the aforementioned policies of the LDP and guidance contained within the SPG, it is concluded that the impact arising from the works are acceptable with regards to visual amenities, character, safety, flooding and ecology. It is therefore recommended that planning permission is granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents; 1:500 block 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

Condition requiring the submission of information

02 Within 3 months of the date of this decision, an Invasive Species Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The land shall be maintained in accordance with the approved management plan thereafter.

Reason: In order to prevent the spread of invasive species.

General conditions

03 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), Schedule 2, Part 1, no development within Classes A or E shall be carried out within the extended part of the garden hereby permitted without the prior written permission of the Local Planning Authority.

Reason: In the interests of safety and access with regards to the high pressure gas pipeline.

04 Notwithstanding the existing boundary treatments, or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), Schedule 2, Part 2, Class A, no wall, fence, gate, hedge or other means of enclosure shall be erected or planted within the extended part of the garden hereby permitted without the prior written permission of the Local Planning Authority.

Reason: In the interests of the safety and integrity of the gas pipeline

NOTE TO APPLICANT

01 This decision relates to plan Nos: Design and Access Statement, Site Location Plan and Supporting photographs.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP9, GP2, GP5, GP6, GP7 and CE3 were relevant to the determination of this application.

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

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.

APPLICATION DETAILS

No: 16/0992 **Ward:** **ROGERSTONE**

Type: FULL

Expiry Date: 28-DEC-2016

Applicant: **CHRIS DAVIDSON**

Site: **184, BASSALEG ROAD, NEWPORT, NP20 3PX**

Proposal: **RETENTION AND COMPLETION OF WORKS TO CREATE ENLARGED DWELLING COMPRISING TWO STOREY ACCOMMODATION AND ASSOCIATED EXTERNAL ALTERATIONS**

Recommendation: **GRANTED WITH CONDITIONS**

1. INTRODUCTION

- 1.1 This application seeks planning permission for the part retention/part completion of works to create an enlarged dwelling comprising two storey accommodation at 184 Bassaleg Road, Newport.
- 1.2 This application is brought before committee as the applicant is a relation of a member of staff in the planning department.

2. RELEVANT SITE HISTORY

- 2.1 None.

3. POLICY CONTEXT

- 3.1 Newport Local Development Plan 2011-2026 (Adopted January 2015), "LDP".
Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
Policy GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.
Policy H2 Housing Standards promotes high quality design taking into consideration the whole life of the dwelling.
Policy T4 Parking states that development will be expected to provide appropriate levels of parking.
- 3.2 Newport City Council New Dwellings Supplementary Planning Guidance (Adopted August 2015), "SPG".

4. CONSULTATIONS

- 4.1 No external consultation was undertaken.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): Sufficient off street parking is available at the property and I would therefore offer no objection to the application.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties that share a common boundary with the application site (6No addresses) and 1No enforcement complainant were consulted. One representation was received, objecting to the proposal on the following grounds;
- i) The proposal would result in the loss of privacy and overlooking caused by the height of the extension to the bungalow, which in reality is the construction of a new second floor.
 - ii) The new second floor would look directly on to their garden and in to the rear of their property. The existing bungalow is partly screened by a willow tree, but during winter months, or if this tree is removed, their property would be overlooked by the rear elevation windows and Juliet balcony proposed, resulting in a substantial loss of privacy.
- 6.2 ROGERSTONE COMMUNITY COUNCIL: No response.

7. ASSESSMENT

- 7.1 The site is raised above the level of Bassaleg Road to the south, accessed via a sloping driveway and is in an area which contains a mixture of property types and styles, from two storey to single storey, detached to semi-detached. The site previously housed a large detached bungalow in the centre of the site, but a large portion of the former bungalow has since been demolished, with the exception of a part of the original rear wing remaining in place to form part of the dwelling under construction. The proposed works would create a two storey dwelling, although appearing as a 'one and a half storey' property due to its design which makes use of two gables with a catslide roof in between and accommodation in the roofspace.
- 7.2 The two storey section of the dwelling would measure 10.7m in depth, 15.3m in width and reach a height of 4.4m to the eaves, 6.3m to the ridge. In addition to this, it would also contain the retained single storey section at the rear, which measures 4.9m in depth, 4.5m in width and reaches a height of 2.5m to the eaves, 4.2m to the ridge. On the ground floor, it would provide generous accommodation comprising a kitchen/diner, living room, family room, sitting room, hallway, utility room, shower room, home office and veranda. At the first floor it would provide a master en-suite bedroom (and dressing room), three further bedrooms and a family bathroom. There are numerous openings proposed across all elevations of the dwelling at both ground and first floor. It is stated that the proposal would be finished in white render, with charcoal concrete roof tiles and anthracite aluminium windows and doors.
- 7.3 Externally, ample outdoor amenity space would be provided/retained following development, with generous internal amenity space provided for the future occupiers. It would also retain sufficient on-site parking.
- 7.4 The aforementioned policies are relevant to the determination of this application as well as the guidance contained within the SPG, which seeks to ensure that sufficient external and internal amenity space is provided, that the development harmonises with neighbouring buildings and the surrounding area, and that it retains adequate natural light, privacy and perceived space for the occupants of neighbouring dwellings.
- 7.5 In regards to its design, being located in an area where there is a mixture of dwelling size and type in the immediate vicinity, it is not considered that the scale or design of the property proposed would be out of keeping with the immediate area, which lacks any uniformity of design. Further, as it is set up from the level of the highway, its visibility would be reduced and screened by the existing vegetation. That being said, it is considered that the design of the proposed dwelling would be an improvement over the existing dwelling, resulting in a symmetrical, modern dwelling of an appropriate scale being created, which would sit comfortably in its plot.
- 7.6 With the increase in height proposed, careful consideration has been given to the impact on neighbouring properties, who will be addressed in turn below.

Impact on 182 Bassaleg Road

- 7.7 The neighbouring property at no182 is a two storey, semi detached dwelling. The proposed dwelling has 3No ground floor openings on its south-eastern side elevation facing no182; a door to the kitchen and 2No windows. It also includes a rooflight in the roof slope serving the en-suite bathroom, but no openings at first floor level. As the rooflight in the roof slope would serve an en-suite bathroom and be at a high level, it is not considered that it would affect neighbouring privacy. Similarly, the ground floor openings, being located at a low level and with the screening of the boundary treatments on site, would not result in overlooking of the neighbouring property. As a result, it is considered that the privacy of the occupiers at no182 would be preserved. A condition is attached to prevent the creation of additional openings in the side elevation.
- 7.8 Due to the scale of the property being only one and a half storeys, its massing is reduced compared with a typical two storey dwelling. It is noted that there are 3No openings in the side elevation of no182; an entrance door and kitchen window at ground floor, and a landing window at first floor. There is also a ground floor window in the rear elevation which also serves the kitchen, and a first floor window on the rear elevation serving a bedroom. The proposed development is set away from the boundary by approximately 3.5m and set away from the side kitchen window by approximately 6m. As a result of this distance, and the one and a half storey scale of the proposal with its roof slope facing away from the neighbour, it is not considered that it would result in an overbearing impact.
- 7.9 With regards to impact on light, the proposal has been assessed using the 45 degree tests as set out in the SPG, which requires a 45 degree splay to be taken from the nearest neighbouring opening in both plan and elevation view. A proposal which breaches this splay is considered to fail the relevant test, and a proposal which fails both tests is likely to result in a detrimental impact on light. This proposal has been assessed with regards to both the side and rear elevation windows to the kitchen; the proposal passes both tests in relation to the rear elevation windows, and only fails the plan view test in relation to the side elevation window, passing the elevation view test. As such, the proposal passes the SPG tests and therefore it is not considered that a detrimental impact on light levels would result following the development.

Impact on 186 Bassaleg Road

- 7.10 No186 is a large single storey property spread across its plot and also set 6m from the proposed development. The section nearest the application site is broadly in line with the two storey section of the proposal (the retained single storey section does protrude further to the rear). There are no openings in the side elevation of no186 facing the application site. There would be 3No windows and the entrance door on the side elevation facing no186, but all at ground floor level. There would be no first floor openings, but 3No rooflights in the facing roof slope (2No as windows to bedroom 3 and 1No to the en-suite to the second bedroom). As they would be high level windows and the side elevation of the neighbouring property is blank (and only single storey), it is not considered that the proposal would have a detrimental impact on privacy at no186.
- 7.11 As a result of the separation distance from no186, the siting of the two storey element and the neighbour's blank side elevation, it is not considered that the proposal would result in an overbearing impact. The proposal fails the 45 degree plan view test, but passes the elevation view test.

Impact on Glasllwch View

- 7.12 There are a number of properties along Glasllwch View that have the potential to be affected by the development, namely; no 22, 23 and 24, which are all set at a higher ground level to the proposal. As a result of their higher ground level, the distance from these dwellings and the scale of the proposal, it is not considered that the proposal would result in a loss of light or overbearing impact.

7.13 The primary concern, as referenced in the neighbour objection, relates to privacy. The rear elevation of the proposal contains a number of openings on the ground and first floor. The ground floor openings are not a concern regarding privacy due to the ground level difference and the boundary screening. The first floor openings consist of a Juliet balcony, 4No rooflights and 2No windows. The Juliet balcony would serve the master bedroom's dressing room, whilst the rooflights and 1No window would serve the staircase and landing, and the remaining window serving bedroom 3. The concerns of the objector are noted regarding overlooking. However, there is a minimum distance of approximately 11.5m to the boundary from these openings, with the minimum distance to the properties at the rear being 23m (in the case of no22), 35m (in the case of no23) and 30m (in the case of no24). It is considered that these distances would be sufficient to maintain adequate levels of privacy to the occupiers of these properties in Glasllwch View, and exceed the minimum separation distances of 10m to the boundary, and 21m window-to-window. Further, the lower ground level of the application site would reduce the height of these openings relative to the neighbour, which also aids in the preservation of their privacy.

Highways

7.14 There are works proposed to the parking area at the front of the property, which are minor in scale and would retain adequate levels of on-site parking. The Council's Highways Officer has offered 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)*

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 Having regard to the aforementioned policies of the LDP and guidance contained within the SPG, it is concluded that the extended dwelling would be suitably designed and scaled for the locality and its plot, provide sufficient internal and external space for the intended occupiers, maintain the residential amenities of neighbouring occupiers as well as off-street parking. It is therefore recommended that planning permission is granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents; Proposed layouts and elevations rev.A.

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

02 No window or door openings (other than those shown on the approved plan) shall be formed in either side elevation of the building hereby approved.

Reason: To protect the privacy of adjoining residents.

NOTE TO APPLICANT

01 This decision also relates to plan Nos: Existing layouts and elevations.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP6, H2 and T4 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 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: 16/1033 **Ward:** STOW HILL
Type: FULL
Expiry Date: 08-DEC-2016
Applicant: M TRIBBECK
Site: 86, COMMERCIAL STREET, NEWPORT
Proposal: CREATION OF PUBLIC REALM LINK BETWEEN KINGSWAY AND COMMERCIAL STREET

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

1.1 This application seeks planning permission for the creation of a public realm link between Kingsway and Commercial Street, Newport. The site in question was previously home to 86 and 87 Commercial Street and Rileys Snooker Hall. These buildings were recently demolished, leaving the site vacant. The proposed public realm would be sited in their place at the lower end of Commercial Street, enabling a more convenient pedestrian link between Commercial Street and Kingsway, improving the permeability and connectivity of the City Centre for pedestrians.

1.2 The application is brought before committee as this relates to Council land.

2. RELEVANT SITE HISTORY

15/1245	PRIOR NOTIFICATION FOR DEMOLITION OF 86 AND 87 COMMERCIAL STREET AND RILEYS SNOOKER HALL	Prior approval required
16/0029	PRIOR APPROVAL FOR DEMOLITION OF 86 AND 87 COMMERCIAL STREET AND RILEYS SNOOKER HALL PURSUANT TO APPLICATION 15/1245 CONFIRMING PRIOR APPROVAL IS REQUIRED	Granted with Conditions

3. POLICY CONTEXT

3.1 Newport Local Development Plan 2011-2016 (Adopted January 2015), "the LDP"

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

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 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 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 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.

4. CONSULTATIONS

4.1 GWENT POLICE: No response.

4.2 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: The development involves the reinstatement of two open plots formerly occupied by 85-86 Commercial Street and Rileys Snooker Club, Kingsway. It is likely that previous construction activities associated with these structures will have had an adverse effect on any archaeological remains that may have been located in the application area. Furthermore, the ground intrusion works associated with the current proposal are relatively limited in scale. As a result it is unlikely that any archaeological features would be revealed during the proposed development. Therefore 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.

5. INTERNAL COUNCIL ADVICE

5.1.1 URBAN REGENERATION MANAGER: The area in question is a priority for the current Vibrant and Viable Places programme. Significant regeneration activity has taken place at adjacent properties on Commercial Street, Cardiff Road and Commercial Road to link the city centre to the completed Pill Regeneration framework, and create new business premises and housing around Mariner's Green. Already there are a wealth of completed refurbishment projects in the area alongside new and improved housing, with a number of new or expanded businesses noted as a result of this regeneration activity.

5.1.2 The purchase and demolition of the buildings that previously occupied the two sites was undertaken as part of a programme of VVP works to facilitate the environmental, economic and social 'connecting' of Commercial Street. Improved connections between Commercial Street and the wider city centre have been identified as important in the regeneration of the area, improving permeability for pedestrians with an increase in footfall that will help support local businesses. The two properties were of poor visual appeal and the office formally known as St Paul's House unfortunately an increasingly obvious example of the redundant, inappropriate commercial property blighting the urban core of Newport. The area to the rear of the snooker club had also been identified as a location used for drug abuse and street drinking.

5.1.3 Demolition was completed in Summer 2016. The scheme outlined in this planning application will define a new footway between Commercial Street and Kingsway for pedestrian use, including seating amenities, on the site of the demolished units. The newly-created public realm area will be enhanced with planting and landscaping that will add an attractive space to this area of the city and provide much-needed open space, which is generally in poor supply across the city centre as a whole.

5.1.4 The link will make journeys between the various key attractors on Kingsway and Queensway (including the University Campus, Dolman Theatre, and Newport Centre) quicker and easier from the southern end of Commercial Street. In addition, the space has been designed in order to allow future exploration of further temporary uses appropriate to the city centre setting held on the site, creating potential opportunities to hold various events at the southern end of Commercial Street as an attraction for city centre users and

adding to the vibrancy of this forgotten corner of Commercial Street. I would therefore support this planning application as a key arc of the wider VVP regeneration programme in Newport.

- 5.2 HEAD OF STREETSCENE AND CITY SERVICES (TREE OFFICER): No objections in principle. However, details will be required in due course regarding any tree felling or pruning and ramp installation adjacent to the trees. Tree information will need to be provided by an appropriately qualified Tree Consultant.
- 5.3 PUBLIC PROTECTION MANAGER: No objection.
- 5.4 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPE OFFICER): No response.
- 5.5 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): No response.
- 5.6 HEAD OF STREETSCENE AND CITY SERVICES (DRAINAGE): No objection subject to a condition requiring the submission of drainage details prior to construction.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties within 50m of application site were consulted (102No properties) and a site notice displayed. No representations were received.

7. ASSESSMENT

- 7.1 The site comprises an area of approximately 2,000m² at the southern end of the City Centre. Following the demolition of the buildings on site, it has been hoarded to prevent access and comprises a large area of brownfield land which includes minor level differences across the site.
- 7.2 The work is proposed as part of the Vibrant and Viable Places programme, which has already undertaken significant regeneration and development works in various areas throughout the city, successfully improving the aesthetics of those areas and bringing a number of vacant buildings back in to use. The aim of the proposal is to facilitate the environmental, economic and social connection of Commercial Street to the surrounding area. These improved connections have been identified as an important aspect of the area's regeneration, facilitating improved pedestrian permeability, with the aim of increasing City Centre footfall to the benefit of local businesses.
- 7.3 It is proposed that the area would contribute to an increased level of attractive and inviting open space within the city centre, which is currently in short supply. The works would create an area of public realm which would include extensive areas of paving and landscaping, as well as numerous areas for seating. In addition, a section of the site has intentionally been designed to remain open to allow for potential temporary uses in the future, such as a food market, with the aim of adding to the vibrancy of the lower end of Commercial Street, which has been in decline in recent years.
- 7.4 In addition, the creation of the public realm, with its numerous access points, is intended to make journeys between key attractions in the City Centre (such as the Dolman Theatre, Newport Centre and the University Campus) easier from the southern end of Commercial Street.
- 7.5 The site layout shown is considered to achieve the above aims and brings in to use a vacant and derelict section of brownfield land within the City Centre, which is considered to make a significant contribution to urban regeneration in the local area, as well as achieving the aims of improving pedestrian permeability, and providing opportunities for future events on site.

- 7.6 Preliminary details have been provided which illustrate the location of landscaping, boundary treatments, seating areas and lighting. A feature entrance is illustrated at the northern end of Kingsway, making use of boundary piers to attract the attention of passers by. Further details of these aspects can be secured by condition.
- 7.7 With regards to the use of the land; the location of on-site lighting have been provided which illustrates that there would be good illumination across the site. Further, there would be natural surveillance from the surrounding buildings and residential properties along Ebenezer Terrace. No response has been received from Gwent Police. With the level of surveillance available, and considering the illumination proposed and the level of footfall generally seen in the area, it is considered that the proposed use of the site would be acceptable with regards to safety of users.
- 7.8 In addition, the proposed use of the land is considered to be appropriate in the city centre with regards to the impact on neighbouring residential properties. Considering the use of the previous snooker hall, it is anticipated that noise arising from the proposed use would be significantly less than the previous use of the site. There are a number of residential properties in the vicinity, on Ebenezer Terrace and above units on Commercial Street. Given the nature of the proposed use and works proposed, it is not considered that there would be a detrimental impact on local residential amenity as a result of the proposal. In terms of lighting, further details to be submitted will also consider the impact on the residential uses nearby in order to safeguard their amenity.
- 7.9 The access to the site from Commercial Street is located opposite St Paul's Church, a Grade II Listed Building. However, as the proposal is segregated from the church by Commercial Street, and given the minor nature of the works proposed, it is not considered that the proposal would have an impact on the special character of the Listed Building. In fact, the improvement achieved compared with the former vacant buildings which had little architectural merit, may arguably improve the setting of the church.

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 Having regard to the aforementioned policies of the LDP, it is concluded that the proposed development would result in a positive improvement to the visual amenities and open space provision in the area, would improve wider connections and permeability in the City Centre and result in the reuse of vacant brownfield land to the benefit of local residents. It is also considered to be acceptable with regards to the impact on surrounding properties and the nearby Listed Building. It is therefore recommended that planning permission is granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents; 2361_PA_02 (Proposed arrangement), 2361_PA_02 (Proposed drainage arrangement), 21 399 and 2361_PA_03.

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 work shall be commenced on the construction of the approved scheme until details/samples of materials and finishes to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out using the approved materials.

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

03 No development shall commence until full details of all proposed boundary treatments (including boundary walls, piers and bollards) have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed in accordance with the approved details prior to the first beneficial use of the development hereby approved.

Reason: To ensure the development is completed in a satisfactory manner.

04 No development shall commence until full details of the surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented fully in accordance with the approved scheme prior to the first beneficial use of the development hereby approved.

Reason: To ensure adequate drainage is provided.

05 Prior to the commencement of development, full details of any tree felling or pruning works required in connection with the proposed development, and details of the installation of the ramped access, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the important landscape features of the site are protected.

Pre – occupation conditions

06 Prior to the first beneficial use of the development hereby approved, the written approval of the Local Planning Authority is required for a scheme of landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs). The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of the development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner.

Pre – installation conditions

07 Full details of external illumination and floodlighting shall be submitted to the Local Planning Authority prior to the erection or installation of any external lighting on site, and the lighting shall then be installed fully in accordance with the details as approved. No other external lighting shall be installed without the prior consent in writing of the Local Planning Authority.

Reason: In the interests of public amenity and safety.

08 Full details of bins and seating to be installed as part of the development shall first be submitted to and approved in writing by the Local Planning Authority prior to their installation, and shall be retained thereafter.

Reason: In the interests of the visual amenities of the area.

NOTE TO APPLICANT

01 This decision also relates to plan Nos: 2631_PA_01.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP12, SP18, GP2, GP4, GP6 and CE6 were relevant to the determination of this application.

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

APPLICATION DETAILS

No: 16/1054 **Ward:** STOW HILL

Type: FULL

Expiry Date: 19-DEC-2016

Applicant: D DANIEL

Site: ROYAL CHAMBERS, HIGH STREET, NEWPORT

Proposal: CHANGE OF USE OF PART OF NEWPORT MARKET BASEMENT FROM STORAGE TO D2 (LEISURE)

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

1.1 This application seeks full planning permission for the change of use of part of Newport Market basement from a storage area to a leisure use (D2). The use is for the Escape Rooms which is an entertainment concept which involves interactive gaming for participants.

2. RELEVANT SITE HISTORY

16/1067	LISTED BUILDING CONSENT FOR SIGNAGE ABOVE ENTRANCE TO NEWPORT MARKET BASEMENT OFF GRIFFIN STREET	Under consideration
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3. POLICY CONTEXT

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

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

4. CONSULTATIONS

4.1 STOW HILL COMMUNITIES FIRST: No response.

5. INTERNAL COUNCIL ADVICE

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

5.2 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): No objection. The property is located in a sustainable location within the City Centre and therefore benefits from the close proximity of good public transport links, car parks and a range of services/facilities.

5.3 HISTORIC BUILDINGS AND CONSERVATION OFFICER: No response.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All neighbours sharing a common boundary with the application site were consulted (26 properties). A site notice was posted and a press notice was published in the South Wales Argus.

7. ASSESSMENT

7.1 The proposed use would be located within the basement beneath Royal Chambers/Newport Indoor Market, which is a grade II listed building. It would be accessed from an existing entrance off Griffin Street. The applicant does not intend to make any external alterations except for repainting of the roller shutter over the entrance door and a sign above the entrance (this is subject of a separate listed building consent application).

7.2 The applicant describes the use as an entertainment and arts concept that mixes elements of real time storytelling and theatre with gaming, role playing and cinema. Sessions are 1 hour long where participants interact with the specially designed rooms to “escape” before the time runs out. There would be a mix of audio and visual effects.

7.3 Policies SP12 (Community Facilities), SP18 (Urban Regeneration), SP9 (Natural, Historic and Built Environment), GP2 (General Amenity), GP4 (Highways and Accessibility), GP7 (Environmental Protection and Public Health), CE7 (Conservation Areas), T4 (Parking) and R4 (Non Retail Uses in other City Centre Shopping Areas) of the Newport Local Development Plan 2011-2026 are relevant to the determination of this application.

7.4 Policy SP12 encourages community facilities such as leisure uses in sustainable locations. Policy SP18 also favours proposals which assist the regeneration of the urban area particularly where they contribute to the vitality, viability and quality of the environment of the city centre. The city centre is a sustainable location and a unique leisure attraction such as this is likely to attract further visitors to the city centre thereby contributing to the vitality of the area.

7.5 The surrounding area is predominantly commercial. There are some residential uses on the upper floors of nearby buildings including the application building. When considering its location within the basement and the nature of the proposed activities it is not considered that there would be any harmful impact on the surrounding uses. The Head of Streetscene and City Services (Environmental Health) has no objection to the application.

- 7.6 The Head of Streetscene and City Services (Highways) does not object to the application on the basis that it would be located in a sustainable location within the City Centre and therefore benefits from the close proximity of good public transport links, car parks and a range of services/facilities.
- 7.7 The application building is located in the Town Centre Conservation Area. It is considered that the proposed use would contribute to the vitality of the City Centre and thereby enhancing the character of the Conservation Area.
- 7.8 Newport Market is a listed building. The applicant does not propose to undertake any structural alterations and therefore the historic interests of the building would be preserved.
- 7.9 Policy R4 states that proposals for non-retail uses outside the designated primary and secondary shopping frontage areas will be permitted provided that:
- i) the proposed development would not adversely affect local residential amenity, either in its own right or cumulatively with other uses;
 - ii) any anticipated environmental disturbance can be effectively mitigated through the use of planning conditions or noise abatement zone controls;
 - iii) the development is accessible in terms of public transport provision, and associated pedestrian movement following operating hours will not be directed through residential areas.
- 7.10 Located within the basement the proposed use would be outside the designated primary and secondary shopping frontage. The proposals has been assessed against its impacts on residential amenity, environmental disturbance and accessibility in the proceeding paragraphs. It is not considered that there would be any adverse impact and therefore the proposal satisfies policy R4.

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 in accordance with policies SP9, SP12, SP18, GP2, GP4, GP7, CE7, T4 and R4 of the Newport Local Development Plan 2011-2026. It is recommended that planning permission is granted.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans: Site location plan and site 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

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP9, SP12, SP18, GP2, GP7, CE7, T4 and R4 were relevant to the determination of this application.

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

APPLICATION DETAILS

No: 16/0665 **Ward:** VICTORIA

Type: Full (Major)

Expiry Date: 09-Dec-2016

Applicant: EJL PROPERTIES LLP

Site: LAND FORMERLY KNOWN AS 21, KELVEDON STREET, NEWPORT

Proposal: PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING UNDERCROFT PARKING TO GROUND FLOOR AND 52 NO. APARTMENTS TO UPPER FLOORS (RESUBMISSION)

Recommendation: REFUSED

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the development comprising undercroft parking to ground floor with 52no apartments to upper floors at land formerly known as 21 Kelvedon Street. The application is a resubmission following the withdrawal of a similar proposal.
- 1.2 The site is situated off Corporation Road and is within the Victoria Ward of Newport. It has an area of 0.2 hectares. It is currently vacant and enclosed by palisade fencing with all buildings demolished but was historically a commercial printers until the mid-2000's.
- 1.3 The area is predominantly residential in character with the exception of a small industrial area immediately to the south of the site and a medical centre and pharmacy centre to the east.
- 1.4 The site is located within the urban boundary and constitutes previously developed land. As such the development of the site is welcomed in principle.

2. RELEVANT SITE HISTORY

94/0918	CONSTRUCTION OF CAR PARK AND ERECTION OF 2.4M HIGH PALLISADE BOUNDARY FENCE	Granted with Conditions
02/0353	CHANGE OF USE TO COMMERCIAL PRINTERS	Granted with Conditions
05/0244	DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF SITE FOR RESIDENTIAL PURPOSES (MAXIMUM 25NO. UNITS) (OUTLINE)	Refused
15/1157	PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING OF 2NO. SMALL RETAIL UNITS AND UNDERCROFT PARKING TO GROUND FLOOR AND 52NO. APARTMENTS TO UPPER FLOORS	Withdrawn

3. POLICY CONTEXT

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

SP1 Sustainability: seeks to ensure the development takes into account sustainable development principles.

SP3 Flood Risk: There is a need to locate development outside of flood risk areas. Where a proposed site such as this is located partly in a flood risk area the consequence of flooding must be investigated and justified.

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

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

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

GP3 General Development Principles – Services Infrastructure: This policy requires justification as to the suitability of the service infrastructure required by the proposal.

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

GP5 General Development Principles – Protection of the Natural Environment.

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

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

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

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

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

3.2 **Supplementary Planning Guidance**

Planning Obligations adopted August 2015

Affordable Housing adopted August 2015

Wildlife and Development adopted August 2015

New Dwellings adopted August 2015

Parking Standards adopted August 2015

4. **CONSULTATIONS**

4.1 DWR CYMRU – WELSH WATER: Request drainage conditions.

4.2 GWENT POLICE ARCHITECTURAL LIAISON OFFICER: No response.

4.3 NATURAL RESOURCES WALES (FLOODING): The site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, 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 tidal flood outlines of the River Usk, a designated main river. The FCA accompanying the application states that in the predicted 0.5% (1 in 200 year) plus climate change event the flood levels are 7.82m AOD. They note that the proposed finished floor levels for the parking on the ground floor will be set at 7.85m AOD and the development is therefore A1.14 compliant. Offer no objection subject to a condition setting finished floor levels no lower than 7.85m AOD being included on any permission the Authority is minded to grant. During the 0.1% (1 in 1000 year) plus climate change event the flood levels are 9.06m AOD. Given the proposed finished floor levels the site would flood to a depth of 1.21m, which is over the tolerable limits set out in A1.15 of TAN 15.

In relation to access and egress NRW note from the information provided that the developer would evacuate the building if a flood warning were to be received. The applicant would register with Flood Warnings Direct in order to receive a direct warning through this system. Within this area Natural Resources Wales attempt to provide 2 hours warning of an imminent flood event. When a flood is expected the Local Authority and local emergency services will be responsible for public care and safety. The development includes provision for safe refuge areas at first floor level.

NRW are able to provide flood data for given evacuation routes when requested to do so. The document provided does not include this information. As such NRW are unable to provide any comment in relation to speed or velocity of the flood waters on the evacuation routes. NRW would discourage the use of an emergency route that puts people closer to the source of flooding such as the use of footbridges over the river.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): The site is located within a sustainable location and a sustainability test has been undertaken. No objection is offered.
- 5.2 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): Offers no objections subject to conditions requiring an ecologist being on site during ground preparation works and a reptile method statement being submitted and agreed by the Local Planning Authority.
- 5.3 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPING): Objects to the application, as the central amenity space is of insufficient area, fragmented and would not be a pleasant place in which to relax, within the car-dominated environment.

The Landscape officer confirms that his objections remain despite the submission of proposals for a 'living wall'.

- 5.4 PLANNING CONTRIBUTIONS MANAGER: The following S106 planning obligations are required to mitigate the impact of the development:
Affordable Housing - 4 x one bed affordable apartments are proposed. The units will be required to be offered at 50% of ACG and offered on a 'neutral tenure' basis providing opportunities for applicants to rent or part-purchase their home. The properties will be allocated through the Common Housing Register and attain the appropriate Welsh Government standards.
Education – (Primary) The development falls within the catchment of St Andrew's Primary School. Taking into account the scale and type of development, as well as school capacity, no contribution is requested. (Secondary) The development falls within the catchment area of Lliswerry High School. Taking into account the scale and type of development, as well as school capacity, no contribution is requested.
Leisure - There is a deficit of 'Formal', 'Equipped' and 'Informal' play provision within the Victoria Ward. In addition to the provision of an on-site equipped play area (to be maintained by a private management company), a commuted sum of £116,835 is required to upgrade and maintain off-site formal and informal open space and play provision at Lysaghts Park.
- 5.5 HEAD OF LAW AND REGULATION (POLLUTION): No objection subject to conditions.
- 5.6 HEAD OF LAW AND REGULATION (NOISE): No objection subject to conditions.
- 5.7 HOUSING AND COMMUNITY REGENERATION MANAGER (AFFORDABLE HOUSING): The provision of one bedroom accommodation addresses the prevailing housing need for this location. The properties appear to have the appropriate space standards as required by Welsh Government, however this, and their compliance with other standards e.g. secure by design etc. would need to be verified by the Registered Social Landlord (RSL) that was acquiring the units. The apartments would need to be transferred to the RSL at 50% of the Welsh Government Acceptable Cost Guidance for this area. The RSL needs to be registered with Welsh Government and zoned to develop and acquire units in Newport. The properties will then be allocated using the Common Housing Register administered by the City Council.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties within 50m of the site were consulted (115no properties) and a site notice was displayed. 3no responses received with the following objections:
- The application is riddled with mistakes and assumptions that have no foundations;
 - The building would result in overshadowing and loss of light to neighbouring properties. Neighbours have a right to light and will begin proceedings for compensation if the planning permission is given consent;
 - A detailed study should be carried out of the loss of light to Witham Street;
 - The development would be out of keeping with the immediate area and is totally unacceptable in terms of visual impact;
 - The development would result in a loss of privacy for neighbours;
 - The development would result in a loss of property value;
 - There is not enough parking for existing residents;
 - Question whether parking restrictions could be imposed if planning permission is granted;
 - There is already too high a volume of traffic in the area;
 - There are no primary school places available in the area;
 - There are already vacant properties and shops in the area and there is no need for any more;
 - The development will in no way enhance the area;
 - There will be noise and disruption to neighbours during the construction of the building;
 - The height of the building is unacceptable;
 - Existing properties and their gardens would be overlooked;
 - Drug abuse and anti-social behaviour is already a problem in the area and the addition of a playground would make this worse;
 - Question, who will police the communal areas;
 - Communal bins are a health hazard.

7. ASSESSMENT

- 7.1 The built form of the proposed development would take a horse-shoe shape around the edge of the site. The building would be five storeys high with under-croft parking at ground floor level. The scheme initially included two retail units at ground floor level fronting Kelvedon Street and the junction with Witham Street. The retail units have been removed from the scheme in order to provide additional parking provision. An equipped play area is proposed to the north of the site and small pockets of planting and landscaping areas are proposed to intersperse the parking around the site. Vehicle access to the parking areas would be from Kelvedon Street and vehicles would exit onto Feering Street to the south.
- 7.2 13no flats are proposed on each of the four floors. 58no car parking spaces, a bicycle park, two bin storage and recycling areas are proposed at ground floor. A mixture of two bed and one bed flats are proposed. Four of the units would be of an affordable nature.
- 7.3 An Outline application for the residential development of the site for up to 25 units was made in 2005 and was eventually refused in 2008 on grounds of flooding and the applicant's failure to agree to the Council's Heads of Terms for financial contributions.
- 7.4 **Visual Impact**

Surrounding residential development is largely two storeys in height and of a traditional terraced style. The roof height of the proposed four storey building with under-croft parking would be 15m. The ridge height of neighbouring terrace properties is typically 9m. The introduction of a five storey block within such close proximity to existing lower rise development would result in an alien form of development that would introduce a discordant and dominating element to the street scene.

7.5 Reference has been made to other high rise developments that have been approved in the City, in particular near to the waterfront and within close proximity to existing two storey dwellings. The applicant has specifically referred to a development at Rodney Road (known as City Vizion) which is situated on the east riverbank. The applicant points out that this development included a 5 storey apartment building opposite 2 storey terrace properties with a distance of 14m between the two. The approved building has steep gables with pitched roofs that have (in the applicant's opinion) a far greater impact than the flat roof design of the proposed building at Kelvedon Street. The presence of such developments is acknowledged. However, every application must be considered on its merits. The regeneration characteristics of the site referred to are particularly relevant and the site differs from Kelvedon Street site in that it formed part of a wider site that was the subject of Supplementary Planning Guidance and was considered to "represent one of the highest profile development opportunities in the City" – (Development Brief – Rodney Parade, Newport Planning and Design Guidelines SPG July 2006). Obviously a major development site within the City of Newport and situated adjacent to the riverfront, a key design principle of the development as required by the SPG was that it should provide a "coherence to the urban edge of the river, a strong, permeable, urban façade, along the riverfront" with "landmark buildings and public spaces in key locations". Clearly, a low density development would not have been appropriate in this location and the regeneration benefits of the area were recognised as being City-wide.

7.6 Furthermore, the site is very much edge of city centre where higher rise buildings are more commonplace, unlike the site which is situated within an area characterised by a lower built form.

Whilst the re-development of the Kelvedon Street site is recognised as having regeneration benefits, they are not considered to be of the same significance to the key riverfront site identified by the applicant and do not outweigh the visual harm that the development would result in. In addition, the building referred to by the applicant is situated at a former builder's merchant's yard and so the residential development represented a significantly more compatible neighbour. In contrast, whilst the application site was previously occupied by a commercial printing factory, it has been vacant for a considerable amount of time and there is currently no fall back to be given weight here as the site is cleared.

7.7 Furthermore, the bland, box-like design of the proposed building has no regard to the traditional style of the surrounding dwellings and the form of the new building would jar with the neighbouring terrace dwellings, particularly where the existing and proposed buildings meet side-by-side in close proximity on Feering Street. In addition, the dead street frontage that would occur as a result of the under-croft car parking would be significantly out of keeping and detrimental to visual amenity.

7.8 It is acknowledged that the applicant purchased the site prior to the economic crash experienced several years ago and that consequently, the redevelopment options for the site are limited in viability terms. The applicant has submitted financial information in support of this. Whilst economic viability can be a material consideration, it is for the Council to consider how much weight should be given to this when balanced against all other considerations. In this instance the harm identified by officers as described above, is significant. The site is a windfall not allocated for residential use in the LDP and the Council has a healthy 5.9 year residential land supply.

7.9 **Amenity**

As noted above, the proposed building would be within close proximity to existing terrace properties, both side-by-side in the case of Feering Street and Witham Street and also opposite in the case of Witham Street. The building would be within 14m of no's 67 to 83 Witham Street with a face-to face relationship. This distance is considerably less than the 21m that is generally accepted as a suitable distance for such relationships between two storey buildings. It is acknowledged that this is the distance between the facades of many of the surrounding terrace properties. Whilst this may be acceptable from a privacy perspective, being significantly greater

in height, the proposed building would be considerably more overbearing than a two storey terrace-type property. Furthermore, there would be considerably more windows overlooking the existing properties on multi-levels, which would give existing residents opposite the site the feeling of being overlooked, to the detriment of their privacy and amenity.

- 7.10 Being to the south-west of no's 67 to 83 Witham Street, the proposed building would result in overshadowing. No solar shading information has been provided with the application and consequently inadequate information has been provided to enable the Local Planning Authority to satisfy itself that the proposals would not result in an unacceptable degree of overshadowing and therefore an unacceptable impact on the amenities of existing residents.
- 7.11 The scheme includes some external amenity space and small pockets of landscaping. These areas are interspersed amongst the under-croft parking areas. The Council's Landscape Officer previously objected to the scheme and considered the landscape content to be poor. The applicant states that the landscaping has subsequently been improved so that additional planting beds are provided and have been enlarged and the number of trees has been increased from three to nine.
- 7.12 The Council's New Dwellings SPG sets out the desired requirement for amenity space for new dwellings including flats. Whilst the occupants of the proposed apartments would have access to some dedicated outside amenity space, the proposed level of amenity space would be contrary to the Council's guidance which requires 11sqm of communal amenity space per occupant for blocks containing 81-100 occupants. Furthermore, it is considered that the improvements to the landscaping arrangement, as noted above, are considered insufficient and despite the relatively minor changes, the standard of the amenity space that would be provided would be of a poor standard and undesirable and would be unlikely to be used by the residents to any great degree.
- 7.13 It is considered that the scheme would provide a poor standard of amenity for existing and future residents, contrary to the Council's guidance.
- 7.14 In an attempt to address officer's concerns about the appearance of the building and the subsequent visual impact, the applicant has submitted revised plans including the provision of a 'living wall' to sections of the elevations facing Kelvedon Street, Feering Street, Witham Street and also the inner courtyard elevations. A 'green roof' is also to be provided to three sections of the building's roof. In addition to their aesthetic value, the applicant advises that these areas provide a natural 'Eco-System' within the urban environment. However, the proposed 'living wall' solutions do not address the unacceptable scale or massing of the building and would not overcome the resultant impact to the visual amenity of the area or impact on neighbouring amenity.
- 7.15 It should be noted that neighbouring objections relating to loss of property value are not material planning considerations.

7.16 **Highways**

As noted above, under-croft car parking is proposed and vehicle access to the parking would be from Kelvedon Street, exiting onto Feering Street to the south. There would be provision for 58no parking spaces, including 6no visitor parking spaces. The Council's Parking Standards SPG requires 1 space per bedroom and 1 visitor space per 5 units (total of 11 visitor spaces) and so the number of spaces proposed would fall short of the Council's guidance. However, the site is located in a sustainable location and the applicant has provided a sustainability assessment that demonstrates sufficient points scored to justify a reduction of 1 space per unit. Points are awarded depending on proximity to services and public transport links. The sustainability assessment demonstrates that the site is within close proximity to local facilities with a chemist and medical centre within 200m. The site is within 300m of a bus stop which is serviced by four bus routes. On the basis of the sustainability assessment the site scores well and the parking requirement for the flats can justifiably be reduced to one space per unit (52no spaces).

However, the requirement for 11no visitor parking spaces remains with only 6no spaces being proposed.

7.17 The Head of Streetscene and City Services (Highways) confirms no objection is offered to the proposals. Notwithstanding this, the Local Planning Authority must have due regard to the acceptability of the proposals and the potential for adverse impact on neighbouring amenity as a result of the shortfall in visitor parking spaces. Given that properties in the vicinity are traditional terrace style without off street parking provision, demand for on-street parking is likely to be high and consequently it is considered that any additional demand for on-street parking due to the shortfall in visitor parking provision is likely to result in an unacceptable adverse impact to neighbouring amenity.

7.18 **Contamination and Noise**

The Head of Law and Regulation (Environmental Health) has been consulted and advises that the Council records indicate the site is a former print works. The site is likely to be contaminated with a range of organic solvents and potentially heavy metals used as pigments. In respect of noise, the site is adjacent to both industrial and commercial land uses. The Head of Law and Regulation (Environmental Health) advises that whilst the Council has no current records of complaint from existing residential receptors, the ambient noise levels may be high and there may be particular industrial or commercial noise impacts that are capable of affecting the proposed development. Furthermore, additional residential premises in the area will potentially give rise to additional concerns in respect of adverse air quality effects.

7.19 The necessary environmental assessments have been carried out and the findings submitted with the application. Environmental Health officers confirm no objections are offered to the proposals subject to conditions relating to further contamination surveys, a condition requiring a construction noise management plan and noise insulation.

7.20 **Ecology**

The site consists of rubble and deposited hard-core material. There is potential suitable reptile habitat in adjacent gardens. The Council's Ecology Officer therefore recommends that an ecologist be on site during the ground preparation works prior to commencement of development to check (where possible) the material before it is removed. If any slow worms are found it is recommended that they be moved to the nearby playing fields on Corporation Road. In addition to this a reptile method statement should also be provided by condition. Subject to this, no objections are offered on grounds of ecology.

7.21 The above ecology matters could be dealt with by way of a suitable condition if it were intended to grant planning permission.

7.22 **Flooding**

The site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). NRW advise that their Flood Map information, 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 tidal flood outlines of the River Usk, a designated main river.

7.23 NRW advise that the FCA accompanying the application states that in the predicted 0.5% (1 in 200 year) plus climate change event the flood levels are 7.82m AOD. They note that the proposed finished floor levels for the parking on the ground floor will be set at 7.85m AOD and the development is therefore A1.14 compliant. NRW advise that a condition to set the finished floor levels no lower than 7.85m AOD is included on any permission the Authority is minded to grant.

7.24 NRW advise that during the 0.1% (1 in 1000 year) plus climate change event the flood levels are 9.06m AOD. Given the proposed finished floor levels the site would flood to a depth of 1.21m, which is over the tolerable limits set out in A1.15 of TAN 15.

7.25 **TAN 15 Tests**

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

- i) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
 - ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners to sustain an existing settlement or region;
- and,
- iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and
 - iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable.

For the purposes of this report, criterion (i) to (iii) are referred to as Test 1 as this relates to the site justification and criterion (iv) which has a number of tests is referred to as Tests 2 to 12.

7.26 **Test 1 – Justification**

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

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

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

PPW defines previously developed land as:

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage of the development is included, as are defence buildings, and land used for mineral extraction and waste disposal where provision for restoration has not been made through development management procedures.

7.29 The proposal satisfies this test.

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

Moreover, criterion (iv) of paragraph 6.2 of TAN 15 refers specifically to the potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable. These are referred to as tests 2 to 12 below.

7.31 **Test 2 - Flood defences must be shown by the developer to be structurally adequate particularly under extreme overtopping conditions (i.e. that flood with a 1 in 1000 chance of occurring in any year).**

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

- 7.32 ***Test 3 - The cost of future maintenance for all new/approved flood mitigation measures, including defences must be accepted by the developer and agreed with Natural Resources Wales.***

No flood mitigation measures are proposed as part of the development.

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

Notification of this could be provided to the developer by way of an informative if planning permission were forthcoming.

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

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

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

The applicant has provided details of the proposed escape/evacuation route. The route follows Willenhall Street and Argosy Way to reach the riverfront walkway and eventually crossing the footbridge to the west bank. The applicant advises that the route maintains an average level of 10.5m AOD and exceeds the level required for flood free passage of pedestrians. However, as noted by NRW the applicant has not provided flood data in relation to the proposed route and it is therefore not possible to assess depth, speed or velocity of flood waters as required by TAN15. Furthermore, NRW discourage the use of an emergency route that puts people closer to the source of flooding such as the use of footbridges over the river.

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

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

- 7.37 The applicant advises that in the event of a flood the building will be evacuated as a precaution. The applicant would be responsible for activating the evacuation and would register with Flood Warnings Direct in order to receive a direct warning through this system. NRW advise that within this area they attempt to provide 2 hours warning of an imminent flood event. When a flood is expected the Local Authority and local emergency services will be responsible for public care and safety. The development includes provision for safe refuge areas at first floor level.

- 7.38 The local planning authority does not have the in-house expertise to judge the effectiveness of the emergency plan. Planning Officers are therefore not in a position to comment upon the effectiveness of the flood emergency management arrangements.

- 7.39 ***Test 8 - The development is designed by the developer to allow the occupier of the facility for rapid movement of goods/possessions to areas away from floodwaters and Test 9 - Development is designed to minimise structural damage during a flooding event and is flood proofed to enable it to be returned to its prime use quickly in the aftermath of the flood.***

The development would be flood free.

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

NRW do not object to the development on this basis.

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

NRW do not object to the development on this basis subject to a condition requiring finished floor levels to be set no lower than 7.85mAOD.

7.42 **Test 12 – In respect of the residual risk to the development it should be designed so that over its lifetime (A1.15) in an extreme (1 in 1000 chance) event there would be less than 1000mm of water on access roads and within properties, the velocity of any water flowing across the development would be less than 0.3m/second on access roads and 0.45m/second in properties and the maximum rate of rise of floodwater would not exceed 0.3m/hour (refer to table at paragraph 7.7.41).**

No flood data has been provided to enable to the Local Planning Authority to assess the acceptability of escape/evacuation routes.

7.43 NRW advise that during the 0.1% (1 in 1000 year) plus climate change event the flood levels are 9.06m AOD. Given the proposed finished floor levels the site would flood to a depth of 1.21m, which is over the tolerable limits set out in A1.15 of TAN 15, although this would affect the parking areas only and the residential units would not be affected. Given the less vulnerable nature of these uses and the nature of the flood event (1 in 1000 year), on balance, this is considered to be acceptable.

7.44 However, due to the absence of information the Local Planning Authority is unable to assess the acceptability of access/escape routes in any flood event.

7.45 In summary, it has not been demonstrated that the development is acceptable in terms of flood risk.

7.46 **Financial Contributions**

The Contributions Manager advises that the following S106 planning obligations are considered suitable to mitigate the impact of the development and provide a sustainable development:

7.47 Affordable Housing: 4 x one bed affordable apartments are proposed. This falls short of the Councils policy requirement of 20% provision. However, the applicant has provided information concerning the viability of the scheme which justifies a reduction in the number of affordable units. The units will be required to be offered at 50% of ACG and offered on a 'neutral tenure' basis providing opportunities for applicants to rent or part-purchase their home. The properties will be allocated through the Common Housing Register and attain the appropriate Welsh Government standards.

7.48 Education (Primary): The development falls within the catchment of St Andrew's Primary School. Taking into account the scale and type of development, as well as the current school surplus capacity, no contribution is requested. (Secondary): The development falls within the catchment area of Lliswerry High School. Taking into account the scale and type of development, as well as the current school surplus capacity, no contribution is requested.

7.49 Leisure: There is a deficit of 'Formal', 'Equipped' and 'Informal' play provision within the Victoria Ward. A commuted sum of £116, 835 is required to upgrade and maintain off-site open space and play provision at Lysaghts Park. All Leisure Sums will be index linked to the RPI.

7.50 The applicant has agreed to the Heads of Terms.

7.51 ***Other Matters***

7.52 As noted above, the site is located within the urban boundary and constitutes previously developed land. The derelict site is also somewhat unsightly and as such the development of the site is welcomed in principle. However, whilst the applicant has submitted the relevant surveys to address concerns relating to noise, air quality and contamination, for reasons outlined above, the development as proposed is unacceptable. No pre-application advice was sought from the Local Planning Authority in respect of these proposals.

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 Whilst the development of this brownfield site is welcomed in principle, a lack of regard has been had to the surrounding development and the proposed building would be discordant and dominating and would result in a detrimental impact to the visual amenity of the area and to neighbouring occupants and would provide an inadequate level of visitor parking provision and a substandard level of amenity for future residents.
- 9.2 Inadequate information has been provided to demonstrate that the proposed development would be acceptable in terms of flooding.
- 9.3 It is therefore recommended that the application is refused.

10. RECOMMENDATION

REFUSED

01 The scale and massing of the building will have a significant adverse impact on existing residents by reason of overbearing effect and overlooking and will represent an unduly dominant building in the street, to the detriment of the visual quality of the street scene and immediate area. No information has been provided that would mitigate this objection. The development would therefore be contrary to Policies GP2 and GP6 of the Local Development Plan for Newport, 2011-2026 (Adopted January 2015) and the Council's Supplementary Planning Guidance for New Dwellings.

02 The proposal will have a significant adverse effect on interests of acknowledged importance, namely public safety and amenity, by reason of flood risk and specifically the availability and acceptability of escape/evacuation routes. No information has been provided that would mitigate this objection. This is contrary to Policy SP3 of the Local Development Plan for Newport 2011-2026 (Adopted January 2015) and Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004).

03 The proposal will have a significant adverse effect on interests of acknowledged importance, namely highway amenity, by reason of an inadequate level of visitor parking provision. No information has been provided that would mitigate this objection. This is contrary to Policy GP4 of the Local Development Plan for Newport, 2011-2026 (Adopted January 2015) and to the detriment of highway safety and residential amenity.

04 An inadequate level of amenity would be afforded to the future occupiers of the apartments due to the substandard and undesirable size, location and design of outdoor amenity space to the detriment of their future amenity and contrary to Policy GP2 of the Newport Local Development Plan, 2011-2026 (Adopted January 2015) and the Council's Supplementary Planning Guidance for New Dwellings (Adopted August 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: MSP.2060/06A, MSP.2060/09B & MSP.2060/10B, MSP.2060/01A, MSP.2060/02A, MSP.2060/03C, MSP.2060/02B, MSP.2060/04B, MSP.2060/05, MSP.2060/07A, MSP.2060/08A Design and Access Statement, Flood Risk Assessment, Transport Statement, Noise Impact Assessment, Air Quality Assessment, Contamination Report, Construction Noise Management Plan.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP13, GP1, GP2, GP3, GP4, GP5, GP6, GP7, H1, H2, H3, H4 and T4 were relevant to the determination of this application.

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