

# Report

## Delegated

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### Part 1

Date: 17<sup>th</sup> September 2015

**Subject** Planning Decision Schedule

**Purpose** To notify Members of decisions made on Planning Applications

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

**Ward** As indicated on the schedule

**Summary** The Head of Regeneration, Investment and Housing has delegated powers to determine planning applications in accordance with the Council's Scheme of Delegation. The schedule attached details decisions made during the week up to 17 September 2015

This report details planning decisions already taken and is provided for information purposes. 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.

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** To issue Decision Notices as shown on the attached schedule

**Action by** Head of Regeneration, Investment and Housing

**Timetable** Immediate

This report was prepared after consultation with:

- Local Residents
- Members
- Statutory Consultees

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

**Signed**

## **Background**

This report details planning decisions already taken and is provided for information purposes. 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.

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

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

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

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

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

The applicant has a statutory right of appeal against the refusal of permission in most cases. 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 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 risks are identified in relating to the determination of planning applications by Planning Committee: decisions being overturned at appeal; appeals being lodged for failing to determine applications within the statutory time period; and judicial review.

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

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

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

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

<b>Risk</b>	<b>Impact of risk if it occurs* (H/M/L)</b>	<b>Probability of risk occurring (H/M/L)</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its effect?</b>	<b>Who is responsible for dealing with the risk?</b>
Decisions challenged at appeal and costs awarded against the Council.	M	L	Ensure reasons for refusal can be defended at appeal.	Development Services Manager
			Ensure planning conditions imposed meet the tests set out in Circular 016/2014.	Development Services Manager
			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 Council	M	L	Avoid delaying the determination of applications unreasonably.	Development Services Manager
Judicial review successful with costs	H	L	Ensure sound and rational decisions are made.	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?
awarded against the Council				

\* 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;
- Newport 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 Unitary Development Plan (Adopted May 2006) unless material considerations indicate otherwise. Planning decisions are therefore based primarily on this core Council policy.

### Options Available

Not applicable. This report details decisions already made under delegated powers.

### Preferred Option and Why

Not applicable. This report details decisions already made under delegated powers.

## **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 a risk of decisions being challenged at appeal. The costs of defending decisions and any award of costs must be met by existing budgets.

## **Comments of Monitoring Officer**

There are no legal implications as the Reports are for information only and the decisions have already been taken in accordance with the officer scheme of delegation.

## **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**

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.

## **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 7 (July 2014)

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.

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.

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended by the Town and Country Planning (Environmental Impact Assessment) (Amendment) (Wales) Regulations 2008 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:1**            **15/0823**            **Ward:**            **ALWAY**

**Type:**            **FULL**

**Expiry Date:** **24-SEP-2015**

**Applicant:**    **Z MIAH**

**Site:**            **4, PALM SQUARE, NEWPORT, NP19 9AE**

**Proposal:**    **RETENTION OF AN EXISTING EXTERNAL KITCHEN EXTRACT DUCT AND FAN TO REAR OF BUILDING**

## **DECISION    GRANTED WITH CONDITIONS**

### **1.        CONSULTATIONS**

1.1        No external consultation was undertaken.

### **2.        INTERNAL COUNCIL ADVICE**

2.1        HEAD OF LAW AND REGULATION (POLLUTION): No objection in principle for retention of the extraction system providing it is only used for domestic purposes

### **3.        REPRESENTATIONS**

3.1        NEIGHBOURS: All neighbours with a common boundary were consulted (two in total) and no comments were received

### **4.        RELEVANT SITE HISTORY**

10/0169    Erection of single storey side extension

Granted with conditions

### **5.        ASSESSMENT**

5.1        This application seeks planning permission for the retention of an external kitchen extraction duct and fan on the rear of the property at 4 Palm Square in the Alway Ward.

5.2        The extraction duct and fan are located on the rear of the dwelling house and the duct measures a total height of 2.90 metres. The duct protrudes from the house at ground floor level from the kitchen and terminates just before the eaves of the dwelling. The fan is housed in a metal housing box which measures 500mm by 500mm and this is located 2.30 metres above ground floor level.

5.3        The property backs onto Somerton Road which is a busy road that connects Chepstow Road to Cromwell Road, although the property is located at a lower level than the road itself. There is a vegetated buffer zone of approximately five metres in width at the back of the property which screens views from the road and from the pedestrian walkway on the opposite side of Somerton Road. Should it have been the case that the duct and fan equipment was more visible from the public highway, there may have been a visual impact objection to the proposal. However as the site is relatively well screened from public view it is considered that the visual harm is reduced.

5.4        Policies GP2 - General Development Principles – General Amenity and GP6 - General Development Principles – Quality of Design of the Councils Local Development Plan (Adopted January 2015) are relevant to the determination of this application.

5.5        It is proposed within this application that the extraction duct and fan will be galvanised and painted to match the render of the house. It is therefore felt that the size and location of the duct and fan accords with the policies outlined above. No objection has been raised by the Head of Law and Regulation (Pollution) and it is considered that the retention of the duct and fan is acceptable.



## **6. OTHER CONSIDERATIONS**

### **6.1 *Crime and Disorder Act 1998***

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

### **6.2 *Equality Act 2010***

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

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

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

### **6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.**

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## **7. CONCLUSION**

### **7.1 Due to the location of the duct and fan and the level of screening which exist form public areas, the development is considered to be in an acceptable location and design and would have no adverse effect on local neighbouring amenity. It is considered to be in accordance with policies GP2 and GP6 of the Local Development Plan.**

### **7.2 Planning permission is therefore granted subject to the following conditions**

## **8. DECISION**

01 The development shall be implemented in accordance with the following plans and documents: The Supporting photos provided and the Site Location Plan  
Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

02 Within one month of the date of this permission the flue hereby approved shall be colour coated to match the existing dwelling house and retained in that state in perpetuity  
Reason: To ensure the development is completed in a manner compatible with its surroundings.

### *NOTE TO APPLICANT*

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

02 Due to the minor nature of the proposed development (including any demolition) and having regard to the location of the site in relation to sensitive areas, it is considered that the proposals would not have the potential for environmental effects and so did not need to be screened under the Environmental Impact Assessment Regulations.

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## **APPLICATION DETAILS**

**No:2**            **15/0886**            **Ward:**            **CAERLEON**

**Type:**            **FULL**

**Expiry Date:** **14-SEP-2015**

**Applicant:**    **A SMITH**

**Site:**            **9, ANWYLL CLOSE, CAERLEON, NEWPORT, NP18 3TJ**

**Proposal:**    **TO PROVIDE OFF ROAD HARD STANDING CAR PARKING**

## **DECISION: GRANTED WITH CONDITIONS**

### **1. CONSULTATIONS**

1.1 None

### **2. INTERNAL COUNCIL ADVICE**

2.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): No objection as is satisfied that sufficient visibility will be available subject to the driveway being hard paved and suitable drainage being employed to prevent surface run off onto the adopted highway. Streetscene must be contacted regarding the provision of a dropped kerb and vehicle crossover.

### **3. REPRESENTATIONS**

3.1 NEIGHBOURS: Four neighbours were consulted but no responses have been received

3.3 CAERLEON CIVIC SOCIETY: No objection

### **4. RELEVANT SITE HISTORY**

4.1 None

### **5. ASSESSMENT**

5.1 This application seeks planning permission for the erection of a hardstanding to the front of this semi-detached property in Anwyll Close. The properties along the southern side of Anwyll close, including the application property and its attached neighbour at no. 7, are set below the road level, and are accessed via steps leading down from the road. Therefore from the front elevation the properties appear single storey, whereas they enjoy two storeys to the rear.

5.2 The proposed hardstanding will measure 5m in depth by 4.5m in width to provide parking for one vehicle and will be of a level height with the road, extending 2metres above the ground level immediately adjacent to front of the house. It is proposed to be constructed from sand colour concrete block, filled with hardcore topped with gravel to allow for drainage, which will be linked to the existing house system. It will be finished in render.

5.3 Like many of the properties on Anwyll Close, the property already has a garage within the front curtilage which is elevated above the level of the house and access from the highway. The proposal will in-fill the remaining width of the curtilage between the garage and the boundary with no. 7 Anwyll Close, which also has a garage and smaller existing hardstanding.

5.4 Policy GP2 (General Amenity) of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) states that development will be permitted where there will not be a significant adverse effect on local amenity, the development will not be detrimental to visual amenity or character of the area and it provides adequate amenity for future occupiers. Policy GP6 (Quality of Design) seeks to achieve good quality design in all forms of development. It states that that design should take into account the context of the site, be appropriately scaled and be constructed from high quality materials. The Supplementary

Planning Guidance for House Extensions and Domestic Outbuildings (Adopted August 2015) doesn't directly address hardstandings but does discuss raised amenity spaces and states that they should relate sympathetically to the existing building and the streetscape by virtue of its size design and materials. A proposal will not be acceptable if it substantially reduces natural light to habitable rooms.

- 5.5 The hardstanding itself enhances amenity for the occupants of the application property and those living on Anwyll Close by removing a vehicle from the already narrow highway. From the road, its appearance has minimal impact upon the appearance of the house, owing to its position below the road, and character of the street. Furthermore, the applicant has proposed to build drainage into the structure and avoid drainage onto the road by using the existing domestic system, which addresses comments made by the Head of Streetscene and City Services.
- 5.6 Both no. 9 (application property) and no. 7 Anwyll Close are constructed approximately 2m below the level of the road. Internal layouts of the properties have not been provided, however, plans submitted for a historic application (12/0081) for no. 17 Anwyll Close, a property of identical design, show that a bathroom and a study are served by windows in its front elevation. The kitchen and living room are located to the rear. Although the use of the study may vary, this is likely to be the case at no. 7 and no. 9 Anwyll Close also. The window at no. 7 which would be closest to the proposal is obscured and therefore very likely to be a bathroom window. Furthermore, the position of the houses in relation to the road along with vegetation and garages within their curtilages and their north-eastern orientation means that they already receive very little light. It is therefore considered that the proposal will not have an adverse impact on the light received to either property. Neither will the proposal appear particularly overbearing considering the already limited outlook from the front of the properties. The proposal is therefore considered to comply with the SPG for House Extensions and Domestic Curtilages and policies GP2 and GP6 of the Newport Local Development Plan.

## 6. OTHER CONSIDERATIONS

### 6.1 ***Crime and Disorder Act 1998***

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

### 6.2 ***Equality Act 2010***

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

### 6.3 Having due regard to advancing equality involves:

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

### 6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

**7. CONCLUSION**

7.1 No objections have been received with regards to the proposal and it is considered to comply with the Supplementary Planning Guidance for House Extensions and Domestic Curtilages (Adopted August 2015) and policies GP2 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

**8. DECISION**

**GRANTED WITH CONDITIONS**

The development shall be implemented in accordance with plan no: 2014/10.

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 GP2 and GP6 were relevant to the determination of this application.

02 The Newport Supplementary Planning Guidance for House Extensions and Domestic Outbuildings (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.

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## **APPLICATION DETAILS**

**No:3**            **15/0900**            **Ward:**            **CAERLEON, RINGLAND**

**Type:**            **DISCHARGE CONDITIONS**

**Expiry Date:** **10-SEP-2015**

**Applicant:**    **OLIVER THOMAS**

**Site:**            **THE CELTIC MANOR RESORT, THE COLDRA, NEWPORT, NP18 1HQ**

**Proposal:**    **PARTIAL DISCHARGE OF CONDITION 20 (CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN) OF PLANNING PERMISSION 14/0327 FOR THE CONSTRUCTION OF THE WALES INTERNATIONAL CONFERENCE CENTRE**

## **DECISION    APPROVED**

### **1.        CONSULTATIONS**

1.1       NATURAL RESOURCES WALES: No Objection

### **2.        INTERNAL COUNCIL ADVICE**

- 2.1       HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): No objection
- 2.2       HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH): No objection
- 2.3       HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): No objection

### **3.        REPRESENTATIONS**

3.1       None

### **4.        RELEVANT SITE HISTORY**

14/0327	CONSTRUCTION OF THE WALES INTERNATIONAL CONFERENCE CENTRE AND ASSOCIATED PARKING, INCLUDING ALTERATIONS TO ACCESS (OUTLINE)	GRANTED WITH CONDITIONS
15/0410	CONSTRUCTION OF THE WALES INTERNATIONAL CONFERENCE CENTRE AND ASSOCIATED PARKING, INCLUDING ALTERATIONS TO ACCESS (RESERVED MATTERS)	APPROVED WITH CONDITIONS

### **5.        ASSESSMENT**

- 5.1       Outline planning permission and reserved matters approval has been granted for the development of the Wales International Conference Centre at the Celtic Manor Resort. A number of conditions were attached to the outline planning permission, one of which related to the submission and approval of a Construction Environmental Management Plan (CEMP) before development can commence.
- 5.2       Lewis and Lewis Ltd on behalf of the Celtic Manor Resort Ltd have instructed Wardell Armstrong to prepare the Outline Construction Environmental Management Plan to be submitted to satisfy and discharge Condition 20 of the Outline Planning Permission 14/0327.
- 5.3       The submitted CEMP has been reviewed by Natural Resources Wales, the Head of Streetscene and City Services (Highways) and Head of Law and Regulation (Environmental Health) and they have confirmed that they have no objection to the partial discharge of Condition 20.
- 5.4       The Head of Streetscene and City Services (Ecology) has commented that they would have no objection subject to the areas of Japanese Knotweed that have been identified in the Ecological Management Plan being fenced off and allocating a no dig area until the knotweed is treated by the specialist company.

5.5 Having liaised with the applicant, evidence has been provided that the Japanese Knotweed was treated in July 2014 and that the “pigmy” state that has regrown is set to be removed shortly. It has also been confirmed in writing that when excavating the Japanese Knotweed it will be removed off site.

## **6. OTHER CONSIDERATIONS**

### **6.1 *Crime and Disorder Act 1998***

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

### **6.2 *Equality Act 2010***

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

6.3 Having due regard to advancing equality involves:

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

6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## **7. CONCLUSION**

7.1 The submitted Construction Environmental Management Plan is considered acceptable and Condition 20 is partially discharged.

## **8. DECISION**

APPROVED

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: CA10895 Outline Construction Environmental Management Plan.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

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

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**APPLICATION DETAILS**

**No:4**            **15/0960**            **Ward:**                    **CAERLEON, RINGLAND**

**Type:**            **DISCHARGE CONDITIONS**

**Expiry Date:** **24-SEP-2015**

**Applicant:**    **OLIVER THOMAS**

**Site:**            **THE CELTIC MANOR RESORT, THE COLDRA, NEWPORT, NP18 1HQ**

**Proposal:**    **PARTIAL DISCHARGE OF CONDITION 4 (NEW WATERCOURSE) OF RESERVED MATTERS 15/0410 FOR THE CONSTRUCTION OF THE WALES INTERNATIONAL CONFERENCE CENTRE AND ASSOCIATED PARKING, INCLUDING ALTERATIONS TO ACCESS**

**DECISION    APPROVED**

- 1.    CONSULTATIONS**
  - 1.1   NATURAL RESOURCES WALES: No Objection
  
- 2.    INTERNAL COUNCIL ADVICE**
  - 2.1   HEAD OF STREETSCENE (DRAINAGE): No Objection
  - 2.2   HEAD OF STREETSCENE (LANDSCAPE): No Objection
  
- 3.    REPRESENTATIONS**
  - 3.1   None
  
- 4.    RELEVANT SITE HISTORY**

14/0327	CONSTRUCTION OF THE WALES INTERNATIONAL CONFERENCE CENTRE AND ASSOCIATED PARKING, INCLUDING ALTERATIONS TO ACCESS (OUTLINE)	GRANTED WITH CONDITIONS
15/0410	CONSTRUCTION OF THE WALES INTERNATIONAL CONFERENCE CENTRE AND ASSOCIATED PARKING, INCLUDING ALTERATIONS TO ACCESS (RESERVED MATTERS)	APPROVED WITH CONDITIONS

- 5.    ASSESSMENT**
  - 5.1   Outline planning permission and reserved matters approval has been granted for the development of the Wales International Conference Centre at the Celtic Manor Resort. A number of conditions were attached to the reserved matters planning permission. Condition 4 related to the submission of the route (including ground levels), materials, method of construction and maintenance of the watercourse being submitted to and approved in writing by the Local Planning Authority.
  
  - 5.2   The submitted plans and details have been reviewed by Natural Resources Wales, the Head of Streetscene and City Services (Drainage Manager) and the Head of Streetscene and City Services (Landscape Officer) and they have confirmed that they have no objection to the partial discharge of Condition 4.
  
- 6.    OTHER CONSIDERATIONS**
  - 6.1   **Crime and Disorder Act 1998**

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



its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

## 6.2 ***Equality Act 2010***

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

## 6.3 Having due regard to advancing equality involves:

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

## 6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## 7. **CONCLUSION**

7.1 The submitted information is considered acceptable and Condition 4 is partially discharged.

## 8. **DECISION**

APPROVED

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: CA1065-CUR-00-ZZ-DR-C-1008 Rev B Phase 1 & 2 General Arrangement; CA1065-CUR-00-ZZ-DR-C-1009 Phase 1 Enabling Works; CA1065-CUR-00-ZZ-DR-C-1013 Phase 1 Enabling Works Drainage Details; CA1065-CUR-00-ZZ-DR-C-1014 Rev – Drainage Details Sheet 5; CA1065-CUR-00-ZZ-H-D-1201 Rev – Phase 1 Enabling Works Long Sections; CA1065-CUR-00-ZZ-H-D-1202 Rev – Phase 1 Enabling Works Cross-Sections; CA1065-CUR-00-ZZ-H-D-1203 Rev – Phase 2 Natural Watercourse Cross Sections; CA1065-CUR-00-ZZ-H-D-1204 Rev – Phase 2 Natural Watercourse Long Sections; CA1065-CUR-00-ZZ-RP-C- 1005 Natural Watercourse Calculations.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

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

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## **APPLICATION DETAILS**

**No:5**            **15/0971**            **Ward:**            **GAER**

**Type:**            **DISCHARGE CONDITIONS**

**Expiry Date:** **24-SEP-2015**

**Applicant:**    **JASON PRICE**

**Site:**            **ARGUS DEVELOPMENT SITE, BIDEFORD ROAD, NEWPORT**

**Proposal:**    **PARTIAL DISCHARGE OF CONDITION 2 (MATERIALS) OF PLANNING PERMISSION 15/0316 FOR THE REDEVELOPMENT OF SITE TO PROVIDE 33NO. DWELLINGS WITH ANCILLARY CAR PARKING, ACCESS ARRANGEMENTS AND LANDSCAPING (AMENDMENT TO PART OF SITE APPROVED UNDER PLANNING PERMISSION 13/0830)**

**DECISION**    **APPROVED**

### **1. CONSULTATIONS**

1.1 None.

### **2. INTERNAL COUNCIL ADVICE**

2.1 None.

### **3. REPRESENTATIONS**

3.1 None.

### **4. RELEVANT SITE HISTORY**

13/0830	Demolition of existing building and redevelopment of the site to provide 82 dwellings with ancillary car parking, open space, access arrangements and landscaping and reconfiguration of south wales Argus car park	Granted with conditions
15/0316	Redevelopment of site to provide 33no. dwellings with ancillary car parking, access arrangements and landscaping (amendment to part of site approved under planning permission 13/0830)	Granted with conditions

### **5. ASSESSMENT**

5.1 Planning permission was granted for the residential development of the former Argus site (amended to previous approval 13/0830) application number 15/0316. Condition 2 of this consent required prior approval of the proposed external materials. It is proposed to use two Edenhall bricks a red Pennard Bracken and Multi Yellow St Davids. A Redland mini Stonewold Charcoal grey is proposed for the roof tile.

5.2 The proposal materials are similar to the materials being used elsewhere on the development and therefore the proposal materials are considered to be acceptable.

### **6. OTHER CONSIDERATIONS**

6.1 **Crime and Disorder Act 1998**

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

6.2 ***Equality Act 2010***

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

6.3 Having due regard to advancing equality involves:

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

6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

7. **CONCLUSION**

7.1 The condition has been partially discharged.

8. **DECISION**

APPROVED

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: brick and roof tile Edenhall bricks a red Pennard Bracken and Multi Yellow St Davids. A Redland mini Stonewold Charcoal grey roof tile.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

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

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**APPLICATION DETAILS**

No:6            15/0972            Ward:            GAER

Type:            DISCHARGE CONDITIONS

Expiry Date: 24-SEP-2015

Applicant:     J PRICE

Site:            ARGUS DEVELOPMENT SITE, BIDEFORD ROAD, NEWPORT

Proposal:     PARTIAL DISCHARGE OF CONDITION 04 (FOUL AND SURFACE WATER DRAINAGE) OF PLANNING PERMISSION 15/0316 FOR REDEVELOPMENT OF SITE TO PROVIDE 33NO. DWELLINGS WITH ANCILLARY CAR PARKING, ACCESS ARRANGEMENTS AND LANDSCAPING (AMENDMENT TO PART OF SITE APPROVED UNDER PLANNING PERMISSION 13/0830)

**DECISION    APPROVED**

**1.        CONSULTATIONS**

1.1     DWR CYMRU WELSH WATER: Have examined the drainage arrangements on drawing number S.6640-201 Rev A and based on the fact that surface water from the proposed development will connect into a culvert via newly adoptable sewers as approved under Section 104 agreement ref PSA0000547, and no land drainage from the development will be communicated with the public sewer, we are able to recommend that the condition is partially discharged.

**2.        INTERNAL COUNCIL ADVICE**

2.1     HEAD OF STREET SCENE AND CITY SERVICES (DRAINAGE): The following technical matters have been considered in separate submission documents and are summarised in the context of relevant policy requirements in this document:  
a Access and Transportation;  
b Flood risk and drainage;  
c Ecological impact;  
d Archaeological Impact;  
e Ground conditions and contamination; noise and air quality."

Unfortunately I have not been able to locate a document separately submitted that details Flood risk and drainage for the site I am therefore not able to make a detailed assessment. However I note that the discharge of drainage conditions for the original application 14/0194 was previously agreed and approved

**3.        REPRESENTATIONS**

3.1     None

**4.        RELEVANT SITE HISTORY**

13/0830	Demolition of existing building and redevelopment of the site to provide 82 dwellings with ancillary car parking, open space, access arrangements and landscaping and reconfiguration of south wales Argus car park	Granted with conditions
15/0316	Redevelopment of site to provide 33no. dwellings with ancillary car parking, access arrangements and landscaping (amendment to part of site approved under planning	Granted with conditions

## 5. ASSESSMENT

5.1 Planning permission was granted for the residential development of the former Argus site (amended to previous approval 13/0830) application number 15/0316. Condition 4 of this consent required prior approval of the fully integrated surface and foul water system. Welsh Water has stated that based on the fact that surface water from the proposed development will connect into a culvert via newly adoptable sewers as approved under Section 104 agreement ref PSA0000547, and no land drainage from the development will be communicated with the public sewer, they are able to recommend that the condition is partially discharged. The comments of the Head of Street Scene and City Services are noted, however it is considered that as Welsh Water has offered no objections and the scheme is in accordance with connections to a culvert and newly adopted sewers as part of a S104 agreement, there is no reason to require any further information.

## 6. OTHER CONSIDERATIONS

### 6.1 *Crime and Disorder Act 1998*

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

### 6.2 *Equality Act 2010*

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

6.3 Having due regard to advancing equality involves:

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

6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## 7. CONCLUSION

7.1 The condition has been partially discharged.

## 8. DECISION

### APPROVED

#### NOTE TO APPLICANT

01 This decision relates to plan Nos: S.6640-201A

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

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

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**APPLICATION DETAILS**

**No:7**            **15/0973**            **Ward:**            **GAER**

**Type:**            **DISCHARGE CONDITIONS**

**Expiry Date:** **24-SEP-2015**

**Applicant:**    **J PRICE**

**Site:**            **ARGUS DEVELOPMENT SITE, BIDEFORD ROAD, NEWPORT**

**Proposal:**    **PARTIAL DISCHARGE OF CONDITION 03 (SLAB LEVELS) OF PLANNING PERMISSION 15/0316 FOR REDEVELOPMENT OF SITE TO PROVIDE 33NO. DWELLINGS WITH ANCILLARY CAR PARKING, ACCESS ARRANGEMENTS AND LANDSCAPING (AMENDMENT TO PART OF SITE APPROVED UNDER PLANNING PERMISSION 13/0830)**

**DECISION**    **APPROVED**

**1. CONSULTATIONS**

1.1 None.

**2. INTERNAL COUNCIL ADVICE**

2.1 None.

**3. REPRESENTATIONS**

3.1 None.

**4. RELEVANT SITE HISTORY**

13/0830	Demolition of existing building and redevelopment of the site to provide 82 dwellings with ancillary car parking, open space, access arrangements and landscaping and reconfiguration of south wales Argus car park	Granted with conditions
15/0316	Redevelopment of site to provide 33no. dwellings with ancillary car parking, access arrangements and landscaping (amendment to part of site approved under planning permission 13/0830)	Granted with conditions

**5. ASSESSMENT**

5.1 Planning permission was granted for the residential development of the former Argus site (amended to previous approval 13/0830) application number 15/0316. Condition 3 of this consent required prior approval of the slab level. The level ranges from 10.15m AOD to 11.25m AOD which is similar to the levels approved on the adjacent part of the development and are considered to be acceptable.

**6. OTHER CONSIDERATIONS**

**6.1 Crime and Disorder Act 1998**

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

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

6.2 ***Equality Act 2010***

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

6.3 Having due regard to advancing equality involves:

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

6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

7. **CONCLUSION**

7.1 The condition has been partially discharged.

8. **DECISION**

APPROVED

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: S6640-220B, 203A

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

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

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**APPLICATION DETAILS**

**No:8            15/0988            Ward:            LANGSTONE**

**Type:            DISCHARGE CONDITIONS**

**Expiry Date: 01-OCT-2015**

**Applicant:    LEWIS, TAYLOR DEVELOPMENTS LTD.,**

**Site:            LAND TO WEST AND FORMING PART OF SPRING ACRES, MAGOR ROAD, NEWPORT**

**Proposal:    PARTIAL DISCHARGE OF CONDITION 02 (MATERIALS) OF PLANNING PERMISSION 15/0066 FOR RESIDENTIAL DEVELOPMENT COMPRISING TWO DETACHED TWO STOREY DWELLINGS AND ASSOCIATED ACCESS**

**DECISION:    APPROVED**

**1.            CONSULTATIONS**

1.1        NONE

**2.            INTERNAL COUNCIL ADVICE**

2.1        NONE

**3.            REPRESENTATIONS**

3.1        NONE

**4.            RELEVANT SITE HISTORY**

15/0066	RESIDENTIAL DEVELOPMENT COMPRISING TWO DETACHED TWO STOREY DWELLINGS AND ASSOCIATED ACCESS	GRANTED WITH CONDITIONS
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**5.            ASSESSMENT**

5.1        This application seeks approval of details of materials in order to partially discharge condition 02 of planning permission 15/0066. Condition 02 seeks to ensure that the development is completed in a manner compatible with its surroundings and states:

*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.*

5.2        The existing dwellings in the locality comprise a range of styles and materials. The materials proposed for the dwellings approved under application have taken influence from the neighbouring property at Springacres but do not replicate its entire palette.

5.3        The external walls of the dwellings are to consist of Buttermilk render. The roof will be covered with Marley modern smooth dark grey concrete tiles with a half-round ridge in Staffordshire blue. The windows, doors and fascia's will be brown PVCu whilst the rainwater goods will be black PVCu. Window cills will be Cotswold cast stone.

5.4        It is considered that sufficient attention has been paid to the materials used in neighbouring buildings in the materials proposed for the dwellings approved under application 15/0066 and the materials proposed are considered acceptable.

**6.            OTHER CONSIDERATIONS**

6.1        **Crime and Disorder Act 1998**

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

6.2 ***Equality Act 2010***

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

6.3 Having due regard to advancing equality involves:

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

6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

7. **CONCLUSION**

7.1 The materials proposed are considered acceptable and condition 02 is partially discharged.

8. **DECISION**

**APPROVED**

*NOTE TO APPLICANT*

01 This decision relates to Drawing No: 1447-1 and letter reference MJC/LC/1447 dated 3 August 2015 from M.John Crowther & Associates.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2 and H6 were relevant to the determination of this application.

03 Newport City Council's Supplementary Planning guidance for New Dwellings (Adopted August 2015) was relevant to the determination of this application.

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

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**APPLICATION DETAILS**

**No:9**            **15/0989**            **Ward:**            **LANGSTONE**

**Type:**            **DISCHARGE CONDITIONS**

**Expiry Date:** **01-OCT-2015**

**Applicant:**    **LEWIS, TAYLOR DEVELOPMENTS LTD**

**Site:**            **LAND TO WEST AND FORMING PART OF SPRING ACRES, MAGOR ROAD, NEWPORT**

**Proposal:**    **PARTIAL DISCHARGE OF CONDITION 03 (SLAB LEVELS) OF PLANNING PERMISSION 15/0066 FOR RESIDENTIAL DEVELOPMENT COMPRISING TWO DETACHED TWO STOREY DWELLINGS AND ASSOCIATED ACCESS**

**DECISION: APPROVED**

**1. CONSULTATIONS**

1.1 NONE

**2. INTERNAL COUNCIL ADVICE**

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

**3. REPRESENTATIONS**

3.1 NONE

**4. RELEVANT SITE HISTORY**

15/0066	RESIDENTIAL DEVELOPMENT COMPRISING TWO DETACHED TWO STOREY DWELLINGS AND ASSOCIATED ACCESS	GRANTED WITH CONDITIONS
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**5. ASSESSMENT**

5.1 This application seeks approval of details to partially discharge condition 03 of planning permission 15/0066. Condition 03 was imposed in the interest of visual amenity and states:

*No development, including demolition, shall commence until details and plans showing the finished slab level of the building(s) hereby approved, together with cross sections through the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.*

5.2 The site upon which the properties are to be constructed appears to slope downwards gently from west to east. The drawing submitted which shows the finished slab levels and cross sections through the site show that the construction of the dwellings will follow this form. Plot 2 will be located approximately 0.5m below the level of Plot 1 and the natural slope of the land prevails outside of the plots.

5.3 The Head of Streetscene and City Services (Highways) does not object to the proposal and the proposed finished slab levels are considered to be acceptable in terms of the resultant impact on visual amenity.

**6. OTHER CONSIDERATIONS**

**6.1 Crime and Disorder Act 1998**

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

## 6.2 **Equality Act 2010**

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

## 6.3 Having due regard to advancing equality involves:

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

## 6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## 7. **CONCLUSION**

### 7.1 The details submitted regarding the finished slab levels are considered acceptable and condition 03 is partially discharged.

## 8. **DECISION**

### **APPROVED**

#### *NOTE TO APPLICANT*

01 This decision relates to Drawing No. 1447-12

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

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

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## APPLICATION DETAILS

No:10            15/0990            Ward:            **LANGSTONE**

Type:            **DISCHARGE CONDITIONS**

Expiry Date: **01-OCT-2015**

Applicant:      **LEWIS, TAYLOR DEVELOPMENTS LTD**

Site:            **LAND TO WEST AND FORMING PART OF SPRING ACRES, MAGOR ROAD, NEWPORT**

Proposal:       **PARTIAL DISCHARGE OF CONDITION 04 (DRAINAGE) OF PLANNING PERMISSION 15/0066 FOR RESIDENTIAL DEVELOPMENT COMPRISING TWO DETACHED TWO STOREY DWELLINGS AND ASSOCIATED ACCESS**

**DECISION: APPROVED**

### 1. CONSULTATIONS

1.1 DWR CYMRU-WELSH WATER: Recommend that the condition is discharged based on the fact that surface water from the proposed development will connect into soak-aways, and no surface water or land drainage from the development will be communicated with the public sewer,

### 2. INTERNAL COUNCIL ADVICE

2.1 NONE

### 3. REPRESENTATIONS

3.1 NONE

### 4. RELEVANT SITE HISTORY

15/0066	RESIDENTIAL DEVELOPMENT COMPRISING TWO DETACHED TWO STOREY DWELINGS AND ASSOCIATED ACCESS	GRANTED WITH CONDITIONS
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### 5. ASSESSMENT

5.1 This application seeks approval of details submitted to discharge condition 04 of planning permission 15/0066. Condition 04 aims to ensure adequate drainage is provided and states:

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

5.2 The applicant has submitted details of the proposed drainage which shows that surface water from the proposed development will connect to soakaways whereas foul drainage will connect to the main sewer.

5.3 Dwr Cymru Welsh Water have offered no objection to proposed drainage details.

### 6. OTHER CONSIDERATIONS

#### 6.1 **Crime and Disorder Act 1998**

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

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

## 6.2 ***Equality Act 2010***

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

## 6.3 Having due regard to advancing equality involves:

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

## 6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## 7. **CONCLUSION**

### 7.1 The proposed drainage details are considered acceptable and condition 4 is partially discharged.

## 8. **DECISION**

### **APPROVED**

#### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: 1447-4.

02 The development plan for Newport is the Newport Local Development Plan 2011-2026 (adopted January 2015). No policies were relevant to the determination of this application.

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

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## APPLICATION DETAILS

No:11            15/0992            Ward:            **LANGSTONE**

Type:            **DISCHARGE CONDITIONS**

Expiry Date: **01-OCT-2015**

Applicant:     **LEWIS,TAYLOR DEVELOPMENTS LTD**

Site:            **LAND TO WEST AND FORMING PART OF SPRING ACRES, MAGOR ROAD, NEWPORT**

Proposal:     **PARTIAL DISCHARGE OF CONDITION 06 (TREE PROTECTION PLAN) OF PLANNING PERMISSION 15/0066 FOR RESIDENTIAL DEVELOPMENT COMPRISING TWO DETACHED TWO STOREY DWELLINGS AND ASSOCIATED ACCESS**

**DECISION: APPROVED**

### 1. CONSULTATIONS

1.1 NONE

### 2. INTERNAL COUNCIL ADVICE

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

### 3. REPRESENTATIONS

3.1 NONE

### 4. RELEVANT SITE HISTORY

15/0066	RESIDENTIAL DEVELOPMENT COMRISING TWO DETACHED TWO STOREY DWELLINGS AND ASSOCIATED ACCESS	GRANTED WITH CONDITIONS
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### 5. ASSESSMENT

5.1 This application seeks approval of details to partially discharge condition 06 of planning permission 15/0066. Condition 06 seeks to protect important landscape features within the site i.e. trees, and states:

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

- (a) The root protection areas to be identified on plan for retained trees and hedges;*
- (b) The type and detail of the barrier fencing to be used to safeguard the root protection areas;*
- (c) The precise location of the barrier fencing, to be shown on plan.*

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

5.2 The applicant has submitted a plan to show the location of a 2m high root protection fence around a tree located to the rear of the site which is to be erected prior to the commencement of development and retained until completion.

5.3 The Head of Streetscene and City Services (Trees) has no objection to the partial discharge of condition and therefore the measures proposed are considered acceptable.

## **6. OTHER CONSIDERATIONS**

### **6.1 *Crime and Disorder Act 1998***

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

### **6.2 *Equality Act 2010***

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

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

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

6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## **7. CONCLUSION**

7.1 The submitted details are considered acceptable and condition 6 is partially discharged.

## **8. DECISION**

### **APPROVED**

#### *NOTE TO APPLICANT*

01 This decision relates to Drawing no: 11 and paragraph 6.1 of the Construction Environmental Management Statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No were relevant to the determination of this application.

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

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**APPLICATION DETAILS**

No:12      15/1070      Ward:      **LANGSTONE**

Type:      **NON-MATERIAL AMENDMENT**

Expiry Date: **22-SEP-2015**

Applicant:      **D PARK**

Site:      **7, MEADOWLANDS CLOSE, PARC SEYMOUR, CALDICOT, NP26 3JR**

Proposal:      **NON MATERIAL AMENDMENT TO PLANNING PERMISSION 14/0484 TO REDUCE SCALE OF REAR EXTENSION**

**DECISION      APPROVED**

**1.      CONSULTATIONS**

1.1      None

**2.      INTERNAL COUNCIL ADVICE**

2.1      None

**3.      REPRESENTATIONS**

3.1      None

**4.      RELEVANT SITE HISTORY**

14/0484	ERECTION OF SINGLE STOREY FRONT AND REAR EXTENSIONS	GRANTED WITH CONDITIONS
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**5.      ASSESSMENT**

5.1      The application seeks to establish whether a proposed amendment to planning permission 14/0484 to reduce the scale of the ground floor rear extension is material or not.

5.2      The proposed amendment consists of reducing the size of the ground floor rear extension and therefore omitting the 'wrap around' side extension from the original permission. The width of the rear extension would be reduced approximately 2 metres in width from 8.4 metres to 6.4 metres. On the northern elevation of the rear extension a new window is proposed, measuring 1.6 metres wide and 2.0 metres in height. The depth and height of the rear extension and the materials used are proposed as previously granted.

5.3      In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change. When assessing and determining whether or not a proposed change would qualify as a non material amendment, the following tests are applied:

- Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme?
- Would the proposed change result in a detrimental impact either visually or in terms of local amenity?
- Would the interests of any third party or body be disadvantaged in planning terms?
- Would the proposed change conflict with national or development plan policies?

5.4      The new window that is proposed on the northern elevation will not have an impact on any neighbours or the surrounding area as the property is situated at the end of a row of houses and has a 2 metre high boundary treatment. It will not be visible from street view so will add no further impact or further visual impact to that of the original approved scheme.

5.5 The amendment has been tested against the above criteria and it is considered that the impact caused will be no different to that caused by the original approved scheme, there will be no detrimental impact either visually or to the local amenity, no third party or body would be disadvantaged and there would be no conflict with national or development plan policies.

5.6 It is therefore considered that the amendment is non material.

## **6. OTHER CONSIDERATIONS**

### **6.1 *Crime and Disorder Act 1998***

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

### **6.2 *Equality Act 2010***

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

6.3 Having due regard to advancing equality involves:

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

6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## **7. CONCLUSION**

7.1 It is considered that the proposal to amend the size of the ground floor rear extension and add a new window to the northern elevation is a non material amendment to permission 14/0484.

## **8. DECISION**

### *NOTE TO APPLICANT*

01 This decision relates to: Drawing No: DWG DT 0003A; Drawing No: DWG DT 0004A.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

03 The Decision notice to this application should be read in conjunction with that for planning Permission 14/0484 since the conditions of that permission are still relevant to the development under this application.

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

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## **APPLICATION DETAILS**

**No:13**      **15/0967**      **Ward:**                      **LLANWERN**

**Type:**                      **FULL**

**Expiry Date:** **12-OCT-2015**

**Applicant:**      **JOHN WRIGHT**

**Site:**                      **PARKFIELD, COT HILL, LLANWERN, NEWPORT, NP18 2DP**

**Proposal:**      **GROUND FLOOR EXTENSION TO REAR OF BUNGALOW TO PROVIDE A FAMILY ROOM**

## **DECISION GRANTED WITH CONDITIONS**

### **1. CONSULTATIONS**

1.1 Dwr Cymru: Public sewer is crossing the application site.

### **2.1 Representations**

2.2 LLANWERN COMMUNITY COUNCIL: No Response

2.3 NEIGHBOURS: The two properties with a neighbouring boundary were consulted. One letter of objection was received from the occupiers of Townsville, Cot Hill. The major concern raised is with regards to the previous development of the property and the possible overdevelopment that may have a negative impact on Townsville.

### **3. INTERNAL COUNCIL ADVICE**

3.1 None

### **4. RELEVANT SITE HISTORY**

94/0805	FIRST FLOOR REAR EXTENSION	GRANTED
06/0740	ERECTION OF A CONSERVATORY, SUMMER HOUSE AND DETACHED GARAGE WITH PLAYROOM AND STORE	GRANTED WITH CONDITIONS

### **5. ASSESSMENT**

#### **5.1 Introduction**

5.2 Planning permission is sought for the erection of a single storey rear extension at the above address. The property is located within Llanwern Village which is within the urban boundary as designated by the adopted Local Development Plan (2011-2026).

5.3 The property has previously been extended with the addition of a first floor rear extension, a conservatory, summerhouse and detached garage with playroom.

#### **5.4 Proposal**

5.5 The application property is set within a large curtilage comprised of a front driveway/paving area that provides an adequate parking area and a large private rear garden that has hedges on the northern, eastern and western boundaries.

5.6 The proposal is to erect a single storey rear extension that would act as and provide a family room for the occupiers.

- 5.7 The extension is proposed to be built across the entire width of the rear elevation of the property. The width would measure 10.373 metres, of this the family room would measure 8.573 metres, leaving a porch/covered area of approximately 1.8m in width. This area would provide access to the utility room to the eastern part of the extension. The depth of the proposed extension measures 5.0 metres.
- 5.8 The extension would have a pitched roof with a height of 3.5 metres to ridge level and 2.3 metres to eaves height. The extension will include four skylights/roof windows; two situated either side of the ridge. The proposed roof will consist of 'decra classic lightweight' tiles that will match the roof tiles of the host dwelling.
- 5.9 The northern elevation of the extension includes white upvc bi-fold doors that have a width of 6.1 metres and a height of 2.1 metres. The western elevation also proposes these bi-fold doors that have a measurement of 2.5 metres wide and 2.1 metres in height. The exterior walls of the extension will be rendered and painted to match the existing dwelling.
- 5.10 Although, it is considered that the extension is large in both depth and width, it is set from both common boundaries by a considerable distance and the extension would not result in any detrimental impact in terms of both loss of sunlight nor overbearing impact upon either of the neighbouring properties. Whilst the concerns of the neighbour are noted, the property benefits a large curtilage and it is not considered that the proposed extension would contribute to any overdevelopment of this curtilage at the present time.

## **6.1 Policy**

- 6.2 Policies GP2 and GP6 of the adopted Newport Local Development Plan (2011-2026) are relevant in the consideration of this proposal.
- 6.3 GP2 (General Amenity) states that development will be permitted where there is no significant effect on local amenity, no detrimental impact to the visual amenity, character or appearance of the area and it provides appropriate amenity for future occupiers.
- 6.4 GP6 (Quality of Design) states that good quality of design will be sought in all forms of development. It states that development should address the context of the site and respond positively to the character of the area as well as not being over-scaled and should be constructed of complementary materials.
- 6.5 The adopted *House Extensions and Domestic Outbuildings 2015* supplementary planning guidance (SPG) are relevant to the determination of this planning application.
- 6.6 It is considered that the proposal does not impact negatively on the surrounding neighbours or their amenity and the design of the extension responds positively to the surrounding area and the materials proposed are in keeping with the host dwelling.
- 6.7 The proposal is considered compatible with the requirements of these policies and SPG.

## **7. OTHER CONSIDERATIONS**

### **7.1 *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.

### **7.2 *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.

- 7.3 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.

7.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

**8. CONCLUSION**

8.1 The application property occupies a substantial plot that is set well back from the main highway and the rear of the property is enclosed by 2 metre high boundary treatments to the eastern and western neighbouring boundaries. It is considered that the proposed extension will not have any overbearing impact nor will contribute to any loss of sunlight received by either neighbouring property.

8.2 Although the property has previously been developed and the proposed extension is large, the size and scale is considered acceptable.

8.3 The design of the extension is considered to be in-keeping with the character of the area and the appearance of the property and its construction in materials to match the existing will ensure it compliments the main dwelling.

8.4 For these reasons it is considered that the extension is acceptable and planning permission is granted with conditions.

**9. DECISION**

**GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents: Sheet 1 Front Elevation; Sheet 2; Rear Elevation (Existing); Sheet 3 West Elevation (Existing); Sheet 4 East Elevation (Existing); Sheet 5 Ground Floor (Existing); Sheet 6 Rear Elevation (Proposed); Sheet 7 East Elevation (Proposed); Sheet 8 West Elevation (Proposed); Sheet 9 Ground Floor (Proposed) (Amended); Sheet 10 Site Plan (Existing); Sheet 11 Site Plan Proposed)

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

***General Conditions***

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

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

***NOTE TO APPLICANT***

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

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

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

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## APPLICATION DETAILS

No:14                      15/0849                                      Ward:                      **LLANWERN, LLISWERRY**

Type:                      **DISCHARGE CONDITIONS**

Expiry Date: **02-SEPT-2015**

Applicant:                **ST MODWEN DEVELOPMENTS LTD**

Site:                        **GLAN LLYN DEVELOPMENT SITE, QUEENSWAY, LLANWERN, NEWPORT**

Proposal:                **DISCHARGE OF CONDITIONS 33 AND 34 (FOUL AND SURFACE WATER DRAINAGE) OF PLANNING PERMISSION 06/0471 (MIXED USE URBAN EXTENSION ON THE FORMER LLANWERN STEELWORKS) IN RELATION TO THE PUB SITE WITHIN THE LOCAL CENTRE APPROVED UNDER APPLICATION 15/0275**

**DECISION:    APPROVED**

### 1.                **CONSULTATIONS**

- 1.1            DWR CYMRU / WELSH WATER: No objection since the surface water will drain to adjacent water courses rather than the public sewer.
- 1.2            CYFOETH NATURIOL CYMRU / NATURAL RESOURCES WALES: No objection.

### 2.                **INTERNAL COUNCIL ADVICE**

- 2.1            HEAD OF STREETSCENE (DRAINAGE): In regard to Planning Application 15/0849 (Glan Llyn), I make the following comments;
- The surface water of the site is discharging into the Reen network. An ordinary watercourse application will be required to undertake this;
  - Whilst surface water storage is proposed on the site, this appears to cater for the rising main drainage only. Is there to be any storm attenuation for the 'gravity' surface water drainage;
  - In terms of highway drainage, a combined kerb drainage system is proposed. Whilst the drawing does not show associated connections, I assume this combined kerb/drainage system shall connect into the proposed surface water system in the main carriageway. This should be clarified.
  - A copy of the design calculations to determine pipe capacities is required.

### 3.                **REPRESENTATIONS**

- 3.1            None.

### 4.                **RELEVANT SITE HISTORY**

Ref. No.	Description	Date
06/0471	REDEVELOPMENT OF SITE TO CREATE A MIXED USE URBAN EXTENSION COMPRISING: A RANGE OF NEW HOMES (APARTMENTS, HOUSES AND SOME SHELTERED ACCOMMODATION FOR THE ELDERLY - USE CLASSES C2&C3); NEW OFFICES, WORKSHOPS, FACTORIES AND WAREHOUSES (USE CLASSES B1, B2&B8); COMMUNITY FACILITIES INCLUDING NEW SCHOOLS AND COMMUNITY CENTRES (USE CLASSES D1&D2); A LOCAL CENTRE INCORPORATING SHOPS, OFFICES AND COMMERCIAL LEISURE FACILITIES INCLUDING NEW BARS, CAFES AND LICENSED PREMISES (USE CLASSES A1, A2, A3&D2); A NETWORK OF OPEN SPACES INCLUDING PARKLAND, FOOTPATHS, SPORTS PITCHES AND AREAS FOR INFORMAL RECREATION; NEW ROADS, ACCESSES AND PATHS;	GC 01 April 2010

	HEALTHCARE AND FITNESS FACILITIES (USE CLASSES D1&D2); PROVISION FOR A NEW RAILWAY HALT/STATION; OTHER ANCILLARY USES AND ACTIVITIES; AND REQUIRING: SITE CLEARANCE, TREATMENT AND PREPARATION; THE INSTALLATION OF NEW SERVICES AND INFRASTRUCTURE; THE CREATION OF NEW WATER BODIES AND DRAINAGE CHANNELS; IMPROVEMENTS/WORKS TO THE HIGHWAYS NETWORK AND OTHER ANCILLARY WORKS AND ACTIVITIES	
15/0275	SUBMISSION OF RESERVED MATTERS (TO SATISFY CONDITION 01 OF PLANNING PERMISSION 06/0471) FOR PHASE 1 (PUBLIC HOUSE) OF THE LOCAL CENTRE ON THE GLAN LLYN REGENERATION SITE.	AC 07 May 2015
15/0281	PARTIAL DISCHARGE OF CONDITIONS 33 AND 34 (SURFACE AND FOUL DRAINAGE) OF PERMISSION 06/0471 FOR PHASE 1 (PUBLIC HOUSE) OF THE LOCAL CENTRE ON THE GLAN LLYN REGENERATION SITE	A 14 May 2015

## 5. ASSESSMENT

5.1 The applicant is seeking to partially discharge of condition 33 & 34 (foul and surface water drainage) of planning permission 06/0471 in relation to the Public House in the Local Centre. Those conditions read as follows:

*(33) No development relating to each phase defined by condition 03 shall be commenced until a scheme for the disposal of surface waters for that phase has been submitted to and approved in writing by the Local Planning Authority. Such scheme as approved shall then be implemented in accordance with the approved details and the Infrastructure Phasing Plan required by condition 5.*

*Reason: To prevent pollution of the water environment.*

*(34) No development relating to each phase defined by condition 03 shall commence until details of the foul and surface water drainage and storage system for that phase including means of discharge into the drainage network, have been submitted to and approved in writing by the Local Planning Authority. The drainage works for each phase of development shall be completed in accordance with the approved details and the Infrastructure Phasing Plan required by condition 5.*

*Reason: In the interests of, and to prevent pollution of, the water environment.*

It should be noted the relevant conditions have already been approved under application 15/0281.

5.2 The submitted drawings show foul drainage feeding to sewers in the adjacent highway to the site. Surface water drains to surface water drains in the adjacent highway that subsequently drain to a nearby reën. This in turn will feed to the main east/west ditch which is pumped to the River Severn via the Tata Steelworks pumping station. However a back-up scheme to this drainage arrangement is also proposed which would allow surface water to be pumped to the lakes proposed in the Western Park. The applicant explains that this system will be designed to accommodate the 1:100 rainfall event + 20% with no exceedance within the Marston's pub site i.e. no flooding. The relevant pumping station will be outside the pub site and will remain under the control of Saint Modwen's Developments and will be designed to the standards required in 'Sewers for Adoption, Edition 7'.

5.3 Notwithstanding the Drainage Manager's request for further information it is considered that sufficient details have been provided for the relevant conditions to be partially discharged. It should be noted that the reason for the application of the conditions was to protect the water environment (rather than to prevent flooding) and the relevant consultee CNC/NRW has not objected to the proposals.

## 6. OTHER CONSIDERATIONS

### 6.1 **Crime and Disorder Act 1998**

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those



functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

## 6.2 **Equality Act 2010**

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

## 6.3 Having due regard to advancing equality involves:

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

## 6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

## 7. **CONCLUSION**

7.1 The conditions can be partially discharged.

## 8. **DECISION**

APPROVED

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos:

- D12-084 601 C – Drainage Strategy
- P14-122 611 P – Phase 1 Drainage Strategy
- 12795:SK04

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

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

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**APPLICATION DETAILS****No:15          15/1063          Ward:                  LLANWERN, LLISWERRY****Type:                  NON-MATERIAL AMENDMENT****Expiry Date: 24-SEP-2015****Applicant:          E PRICE, CHARLES CHURCH EAST WALES****Site:                  PHASE 1 GLAN LLYN DEVELOPMENT SITE, QUEENSWAY, LLANWERN, NEWPORT****Proposal:          NON MATERIAL AMENDMENT FOR THE REMOVAL OF BAY WINDOW IN RESPECT OF PLOT 205****DECISION          APPROVED****1.          CONSULTATIONS**

1.1          None

**2.          INTERNAL COUNCIL ADVICE**

2.1          None

**3.          REPRESENTATIONS**

3.1          None

**4.          RELEVANT SITE HISTORY**

Ref. No.	Description	Decision & Date
06/0471	REDEVELOPMENT OF SITE TO CREATE A MIXED USE URBAN EXTENSION COMPRISING: A RANGE OF NEW HOMES (APARTMENTS, HOUSES AND SOME SHELTERED ACCOMMODATION FOR THE ELDERLY - USE CLASSES C2&C3); NEW OFFICES, WORKSHOPS, FACTORIES AND WAREHOUSES (USE CLASSES B1, B2&B8); COMMUNITY FACILITIES INCLUDING NEW SCHOOLS AND COMMUNITY CENTRES (USE CLASSES D1&D2); A LOCAL CENTRE INCORPORATING SHOPS, OFFICES AND COMMERCIAL LEISURE FACILITIES INCLUDING NEW BARS, CAFES AND LICENSED PREMISES (USE CLASSES A1, A2, A3&D2); A NETWORK OF OPEN SPACES INCLUDING PARKLAND, FOOTPATHS, SPORTS PITCHES AND AREAS FOR INFORMAL RECREATION; NEW ROADS, ACCESSES AND PATHS; HEALTHCARE AND FITNESS FACILITIES (USE CLASSES D1&D2); PROVISION FOR A NEW RAILWAY HALT/STATION; OTHER ANCILLARY USES AND ACTIVITIES; AND REQUIRING: SITE CLEARANCE, TREATMENT AND PREPARATION; THE INSTALLATION OF NEW SERVICES AND INFRASTRUCTURE; THE CREATION OF NEW WATER BODIES AND DRAINAGE CHANNELS; IMPROVEMENTS/WORKS TO THE HIGHWAYS NETWORK AND OTHER ANCILLARY WORKS AND ACTIVITIES	GC 01 April 2010
15/0518	ERECTION OF 8NO. DWELLINGS (RESERVED MATTERS) (PARTIAL REPLAN OF PHASE 1)	A 25 June 2015

## **5. ASSESSMENT**

- 5.1 The applicant is seeking confirmation that the removal of a bay window in Plot 205, Phase 1 Glan Llyn Redevelopment Site Reserved Matters 15/0518 is a minor amendment.
- 5.2 The proposed change will remove the bay window from the principal elevation and replace with a standard window.
- 5.3 In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change. When assessing and determining whether or not a proposed change would qualify as a non material amendment, the following tests are applied:
- Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme?
  - Would the proposed change result in a detrimental impact either visually or in terms of local amenity?
  - Would the interests of any third party or body be disadvantaged in planning terms?
  - Would the proposed change conflict with national or development plan policies?
- 5.4 Although the change is visual and affects the design merits of the dwelling, the proposed change would not result in a detrimental impact and still remains visually attractive. There are mixes of house types in this part of the development, not all of which have bay window features. The change would not disadvantage any third party or body and would not conflict with any national or development plan policies.

## **6. OTHER CONSIDERATIONS**

### **6.1 *Crime and Disorder Act 1998***

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

### **6.2 *Equality Act 2010***

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

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

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

6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## **7. CONCLUSION**

- 7.1 The proposed amendment is considered to be non material.

**8. DECISION**  
**APPROVED**

*NOTE TO APPLICANT*

01 This decision relates to the following plans: Drawing No: CC1314-E [R]; Drawing No: CC1314-FP [R]

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

03 The Decision Notice to this application should be read in conjunction with that for planning Permission 15/0518 since the conditions of that permission are still relevant to the development under this application.

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**APPLICATION DETAILS**

**No:16**      **15/1013**      **Ward:**      **LLISWERRY**

**Type:**      **FULL**

**Expiry Date:** **07-OCT-2015**

**Applicant:**    **MR PANTRY**

**Site:**      **16, TRASTON AVENUE, NEWPORT, NP19 4TE**

**Proposal:**    **ERECTION OF SINGLE STOREY ENTRANCE PORCH TO SIDE OF PROPERTY**

**DECISION GRANTED WITH CONDITIONS**

**1. CONSULTATIONS**

- 1.1 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: No Response
- 1.2 DWR CYMRU: Public sewer main crossing application site.

**2. INTERNAL COUNCIL ADVICE**

- 2.1 HEAD OF STREETSCENE (HIGHWAYS): No objection

**3. REPRESENTATIONS**

- 3.1 None

**4. RELEVANT SITE HISTORY**

92/0138	Single Storey Rear Extension – Lawful Development Certificate	Granted
92/0464	Single Storey Rear Extension – Amendment to previously approved scheme	Granted with Conditions

**5. ASSESSMENT**

**5.1 Introduction**

Planning permission is sought for a side entrance porch at this semi-detached property located on Traston Avenue, Newport. The property is sited just off the main Traston Avenue through route and the proposed porch is less than 5 metres from the highway, hence the need for planning approval.

- 5.2 The property itself has previously undergone development including a single-storey rear extension, garage conversion and hard standing to the front of the property.

**5.3 Proposal**

- 5.4 It is proposed to erect a single storey entrance porch to the south elevation to add to the existing amenity of the property by giving additional storm cover and storage area.
- 5.5 The porch will have a width of 1.9m, a depth of 2.85m and is set back 4m from the front of the property. The porch is proposed to have a lean to roof that emulates the existing roof pitch and a dwarf wall proposed to be 0.6 metres in height. The total height of the highest point is 2.7m and the eaves height is 2.2m.
- 5.6 It is proposed to construct the porch with materials to match those of the existing property, with the windows and doors being proposed in white UPVC and with clear glazing. The dwarf wall is proposed in a red brick which is in keeping with the existing brick of the host dwelling.

- 5.7 Although over 50% of the curtilage has been developed previously, the proposed porch has a very small footprint and is sited on previously developed hard standing – so there is no further curtilage being developed.
- 5.8 The Head of Streetscene (Highways) was consulted and gave no objection to the proposal.
- 5.9 Dwr Cymru were consulted and commented that there was a public sewer main crossing the application site and that no development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. The applicant has been made aware of this via an informative on the decision notice.
- 5.10 **Policy**
- 5.11 Policies GP2 and GP6 of the adopted Newport Local Development Plan (2011-2026) are relevant in the consideration of this proposal.
- 5.12 GP2 (General Amenity) states that development will be permitted where there is no significant effect on local amenity, no detrimental impact to the visual amenity, character or appearance of the area and it provides appropriate amenity for future occupiers.
- 5.13 GP6 (Quality of Design) states that good quality of design will be sought in all forms of development. It states that development should address the context of the site and respond positively to the character of the area as well as not being over-scaled and should be constructed of complementary materials.
- 5.14 Supplementary Planning Guidance: House Extensions and Domestic Outbuildings, published alongside the Adopted Local Development Plan (2011-2026) provides clear, in depth advice and is relevant to the consideration of this proposal.
- 5.15 The proposed porch is considered to be compatible with the requirements of the aforementioned policies and guidance.

## **6. OTHER CONSIDERATIONS**

### **6.1 *Crime and Disorder Act 1998***

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

### **6.2 *Equality Act 2010***

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

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

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

6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## **7. CONCLUSION**

- 7.1 The proposed side porch is acceptable in terms of size and scale, its position is set back adequately from the principal elevation and it is not considered incongruous nor have any adverse impact on the highway or residential amenity of neighbours.
- 7.2 The design of the porch is considered to be in keeping with the appearance of the property and its materials match and compliment the host dwelling.
- 7.3 Although 50% or more of the curtilage has been developed, the proposed porch is situated on previously developed hard standing, so it will not reduce the remaining visible curtilage any further.
- 7.3 For these reasons it is considered that the porch is acceptable and planning permission is granted.

## **8. DECISION**

### **GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents: Existing and Proposed View Part Plan 1P  
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 GP2 and GP6 were relevant to the determination of this application.

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

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

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## **APPLICATION DETAILS**

**No:17**            **15/0947**            **Ward:**                    **MALPAS**

**Type:**            **ADVERT CONSENT**

**Expiry Date:** **27-SEP-2015**

**Applicant:**    **SARA HUMPHRIES, GREGGS PLC**

**Site:**            **395, MALPAS ROAD, NEWPORT, NP20 6WB**

**Proposal:**    **ERECTION OF INTERNALLY ILLUMINATED FASCIA AND HANGING SIGNS AND 2NO. NON ILLUMINATED WINDOW GRAPHICS**

**DECISION:**    **GRANTED**

### **1. CONSULTATIONS**

1.1 None.

### **2. INTERNAL COUNCIL ADVICE**

2.1 HEAD OF STREETSCENE (HIGHWAYS): Offers no objection to the proposals.

### **3. REPRESENTATIONS**

3.1 None.

### **4. RELEVANT SITE HISTORY**

15/0946	INSTALL NEW SHOPFRONT AND AIR CONDITIONING UNITS	Current Application
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### **5. ASSESSMENT**

5.1 This application seeks advertisement consent for the erection of an internally illuminated fascia sign and hanging sign and 2no non-illuminated window graphics at 395 Malpas Road. This is an A1 Retail unit located in a Local Centre.

5.2 The fascia sign would measure 2580mm in length, 600mm in height and 200mm in depth. It would be 3070mm in height from ground level. It would be made from aluminium and perspex. The fascia sign would have a slate grey finish with white text.

5.3 The hanging sign would have a height of 2900mm from ground level. It would be 700mm in height, 700mm in depth and 170mm in depth. It would also have a slate grey finish with white text.

5.4 The window graphics would be 700mm in height from ground level and would measure 1200mm in height and 600mm in width. The graphics would show images of Greggs' seasonal products and offers.

5.5 Policy GP6 (General Amenity) of the Newport Local Development Plan 2011-2016 (Adopted January 2015) states that good quality design will be sought in all forms of development. It is considered that the signs would accord with this policy being in keeping with the signage throughout the parade of units and sensitively located on the building.

### **6. OTHER CONSIDERATIONS**

#### **6.1 *Crime and Disorder Act 1998***

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



6.2 **Equality Act 2010**

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

6.3 Having due regard to advancing equality involves:

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

6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the

**7. CONCLUSION**

7.1 The signs are considered to be acceptable and the application is granted.

**8. DECISION**

GRANTED

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: RWST/S3562/01BP.

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

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## **APPLICATION DETAILS**

**No:18**      **15/0964**      **Ward:**                      **MALPAS**

**Type:**                      **FULL**

**Expiry Date:** **28-SEP-2015**

**Applicant:**      **POWELL PROPERTY DEVELOPMENTS LTD**

**Site:**                      **WOODLANDS HOUSE, WOODLANDS DRIVE, MALPAS, NEWPORT, NP20 6QX**

**Proposal:**      **SUBSTITUTION OF HOUSE TYPE D ON PLOT NUMBER 1 AND 2 AS AMENDMENT TO PLANNING APPLICATION 10/1336**

**DECISION:**      **GRANTED WITH CONDITIONS**

### **1. CONSULTATIONS**

- 1.1 DWR CYMRU/WELSH WATER: No objection subject to the re-application of the original planning conditions relating to site drainage.
- 1.2 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: No response.
- 1.3 NEWPORT ACCESS GROUP: No response.
- 1.4 WALES AND WEST UTILITIES: No response.

### **2. INTERNAL COUNCIL ADVICE**

- 2.1 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): No objection.
- 2.2 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): No objection.
- 2.3 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPING): No objection.
- 2.4 HEAD OF STREETSCENE AND CITY SERVICES (TREE OFFICER): No objection.
- 2.5 HISTORIC BUILDINGS AND CONSERVATION OFFICER: No objection.

### **3. REPRESENTATIONS**

- 3.1 NEIGHBOURS: All properties sharing a common boundary were consulted (22 addresses) and a site notice was displayed. No responses were received.

### **4. RELEVANT SITE HISTORY**

11/0022	LISTED BUILDING CONSENT FOR PARTIAL DEMOLITION OF LISTED BUILDING AND REFURBISHMENT WORKS TO CONVERT EXISTING BUILDING TO 6NO. APARTMENTS	GRANTED WITH CONDITIONS
10/1336	PARTIAL DEMOLITION OF LISTED BUILDING, REFURBISHMENT WORKS TO CONVERT EXISTING BUILDING TO 6NO APARTMENTS, ERECTION OF 7NO DWELLINGS IN GROUND AND HIGHWAY IMPROVEMENTS/LANDSCAPING/ANCILLARY WORKS	GRANTED WITH CONDITIONS
15/0773	NON MATERIAL AMENDMENT TO GARAGES AND REAR ELEVATIONS OF PLOTS 1 AND 2 GRANTED BY PLANNING PERMISSION 10/1336 FOR THE PARTIAL DEMOLITION OF LISTED BUILDING, REFURBISHMENT WORKS TO CONVERT EXISTING	REFUSED

	BUILDING TO 6NO APARTMENTS, ERECTION OF 7NO DWELLINGS IN GROUND AND HIGHWAY IMPROVEMENTS/LANDSCAPING/ANCILLARY WORKS	
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## 5. ASSESSMENT

- 5.1 This application seeks full planning permission for the substitution of House Type D on plot numbers 1 and 2 as an amendment to planning application 10/1336 for the for the partial demolition of listed building, refurbishment works to convert existing building to 6no apartments, erection of 7no dwellings in ground and highway improvements/landscaping/ancillary works at Woodlands House, Woodlands Drive in the Malpas Ward.
- 5.2 The proposal is to substitute House Type D on plots 1 and 2 which are located along the northern boundary of the site shared with Woodlands Drive. The closest neighbouring property is at Noddfa, Woodlands Drive which shares the north-eastern intervening boundary of plot 2. The amended House Type D is larger in scale than that previously approved. The proposed amendment is to increase the size of the rear of the property by a width of 2.7 metres and a depth of 1.1 metres, to increase the footprint of the front bay window section of the property by 0.2 metres and the front section of the garage by 0.6 metres. House Type D was originally granted permission with a rear single storey section that would span 6.5 metres in width, leaving a section of the rear of the property undeveloped. The proposed amendment would square-off the ground floor at the rear of the property. Some overall changes to the internal floor plan layouts are also proposed and the increase in size of the internal garage is to bring it in line with the current *Parking Standards* SPG. The size of House Type D is proposed to be increased by an approximate total depth of 1.85 metres at ground floor and 0.75 metres at first floor along the elevation of plot 2 closest to the north-eastern intervening boundary shared with Noddfa.
- 5.3 The eaves height of House Type D are proposed to be raised to 5.5 metres from 5.15 metres and a front facing dormer over a bay window is to be omitted in favour of a standard triple paned window. A door accessing the relocated utility room would be installed into a previously blank side elevation. In plot 2 the utility room door would face towards the intervening boundary shared with the neighbouring property at Noddfa.
- 5.4 Policies SP9 (Conservation of the Natural, Historic and Built Environment), GP2 (General Amenity), GP4 (Highways and Access) and GP6 (Quality of Design) of the Newport Local Development Plan (NLDP) 2011-2026 (adopted January 2015) are relevant to the determination of this application. The adopted *New Dwellings and Parking Standards 2015* supplementary planning guidance (SPG) are also relevant to the determination of this application.
- 5.5 The amended House Type D is larger in scale than that previously approved, particularly at ground floor level along the elevation of plot 2 closest to the north-eastern intervening boundary shared with Noddfa. The increase in scale is material, but is not considered to result in any overbearing impact over and above that previously approved. The utility room door that would face towards Noddfa would not serve a habitable room and would be at ground floor level and mostly obscured by the existing boundary enclosure at Noddfa (boundary enclosures for plot 2 are yet to be agreed). Overall it is not considered that the proposed door would cause any harm to privacy currently enjoyed by the occupiers of Noddfa so is acceptable. On balance it is considered that the amended House Type D would preserve neighbouring amenities and would remain in accordance with policy GP2 of the NLDP.
- 5.6 The proposed external changes to the appearance of the properties would result in some material differences, but overall these are considered to be minor and would not result in an unacceptable visual impact on the street scene or the setting of the listed building. No objection has been raised by the Historic Buildings and Conservation Officer with regards to the impact on the setting of the listed building. The proposals are considered to remain in accordance with local policies SP9 and GP6 and are acceptable.

- 5.7 The larger scale of the ground floor allows the increase in size of the integral garage to provide garages at 3 metres width by 6 metres in depth. The previously approved depth of the garage was 5.5 metres. The adopted *Parking Standards* SPG states that single garages should have internal dimensions of 3 metres width by 6 metres depth. The proposed garage would therefore be in accordance with the adopted SPG where previously they would have been of a substandard size. No objection has been offered by the Head of Streetscene and City Services (Highways). The proposal is therefore in accordance with policy GP4.
- 5.8 No objections have been received from the Head of Streetscene and City Services (Ecology) or the Head of Streetscene and City Services (Landscaping). It is not considered that the proposal would result in any material impacts to ecology within or surrounding the site or to the landscape setting of the site. Overall the proposal is considered acceptable. Dwr Cymru/Welsh Water (DCWW) has offered no objections subject to the re-imposition of planning conditions relating to site drainage. The original consent did not impose any conditions with regards to drainage. It has been confirmed that the applicant is currently negotiating a Section 104 drainage adoption agreement with DCWW and it is considered that this would offer sufficient control over site drainage so no further planning conditions are required.
- 5.9 Several planning conditions relating to the original scheme have now been discharged. The approved details would still be relevant to the construction of plots 1 and 2 and there is no reason at this stage to believe that the proposed amendments to House Type D would result in the need to deviate from the previously approved discharge of conditions. As such it is considered reasonable to impose planning conditions to secure compliance with the previously approved details for plots 1 and 2 along with re-imposing the relevant conditions from the original scheme. The new planning conditions will allow some flexibility to accommodate for the potential for minor amendments to the details to be allowed (subject to approval from the local planning authority).

## **6. OTHER CONSIDERATIONS**

### **6.1 *Crime and Disorder Act 1998***

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

### **6.2 *Equality Act 2010***

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

6.3 Having due regard to advancing equality involves:

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

6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## **7. CONCLUSION**

- 7.1 The proposed amendments to House Type D on plots 1 and 2 by reasons of the location, scale and design would preserve visual amenities, access to daylight and privacy to neighbouring occupiers and would preserve the setting of the adjacent listed building and the character and appearance of the street scene.
- 7.2 The proposal is therefore in accordance with policies SP9, GP2, GP4 and GP6 of the Newport Local Development Plan (NLDP) 2011-2026 (adopted January 2015) and the adopted *New Dwellings* and *Parking Standards 2015* supplementary planning guidance.
- 7.3 Planning Permission is granted subject to the following conditions.

## **8. DECISION**

### **GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents: 1585 – PL 14 Rev. A – House Type D Floor Plans; 1585 – PL 15 Rev. A – House Type D Elevations; 1585 – PLS101 Rev. A – Site Location Plan; 1585 PL-102 – Site Layout Plan as Proposed Plots 1 & 2.

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

### ***Pre-occupation conditions***

02 Prior to the first beneficial occupation of the dwellings hereby approved a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms in new build dwellings exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter.

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

03 Prior to the first beneficial occupation of the dwellings hereby approved, full details of boundary treatments shall be submitted to and agreed in writing with the Local Planning Authority. These details shall include for the reinstatement of a boundary wall along Woodlands Drive. These details shall also include a timescale for the completion of the various elements of boundary treatment. The boundary treatment shall be implemented in full accordance with the approved details and shall be retained in that state thereafter.

Reason: To ensure a satisfactory appearance that would not prejudice the amenities of adjoining occupiers, would not adversely affect the setting of the listed building and would provide mitigation from the noise of road traffic travelling along Malpas Road.

04 Prior to the first beneficial occupation of the dwellings hereby approved, the accesses and driveways shall be fully constructed on site in accordance with approved plan no: 1585 PL-102 – Site Layout Plan as Proposed Plots 1 & 2.

Reason: To ensure adequate off street parking is provided in the interests of highway safety.

### ***General conditions***

05 The dwellings hereby approved shall be completed fully in accordance with the external materials as specified within the email from Ian Williams dated 15-Sep-2015 and shall be retained in that state thereafter.

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

06 The dwellings hereby approved shall be constructed in accordance with the Construction and Environment Management Plan details as approved under discharge of condition application ref: 15/0440.

Reason: To protect the amenities of nearby residents.

07 The dwellings hereby approved shall be constructed fully in accordance with the slab level details as approved under discharge of condition application 15/0417.

Reason: In the interests of visual amenities.

#### *NOTE TO APPLICANT*

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP9, GP2, GP4 and GP6 were relevant to the determination of this application.

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

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.

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## **APPLICATION DETAILS**

**No:19**      **15/0859**      **Ward:**      **MALPAS**

**Type:**      **FULL**

**Expiry Date:** **17-SEP-2015**

**Applicant:**    **N DUKE**

**Site:**      **231, PILTON VALE, NEWPORT, NEWPORT, NP20 6LW**

**Proposal:**    **PROPOSED TWO STOREY SIDE EXTENSION**

**DECISION:**    **REFUSED**

### **1. CONSULTATIONS**

- 1.1 DWR CYMRU WELSH WATER: A public sewer and water main cross the application site. They request that the applicant contacts them to establish the position of the sewer and advise that:
- No development (including the raising or lowering of ground levels) will be permitted within the safety zone for either the sewer or water main, and
  - The developer should contact Dwr Cymru Welsh Water if any alteration or connection is required to their apparatus

### **2. INTERNAL COUNCIL ADVICE**

- 2.1 HEAD OF STREETSCENE AND CITY SERVICES: No objection

### **3. REPRESENTATIONS**

- 3.1 NEIGHBOURS: Properties sharing a common boundary were consulted and no objections have been received.

### **4. RELEVANT SITE HISTORY**

- 4.1 NONE

### **5. ASSESSMENT**

- 5.1 The application seeks planning permission for the erection of a two storey side extension at this semi-detached building located on a corner plot in Pilton Vale, Malpas.
- 5.2 The extension is proposed to measure 4.5m in width by 6m in depth with a maximum height of 6.4m underneath a pitched roof. The roof of the extension has been set down from the main ridge by 0.3m and set back by 1.2m from the north-eastern elevation, which is described as the front elevation on the submitted plans. Two windows are proposed at ground level in the front elevation and one at first floor level, whilst two windows are proposed in the rear. It is proposed to install one window in the side elevation of the extension at ground floor level.
- 5.3 Policy GP2 (General Amenity) of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) states that development will be permitted where there will not be a significant adverse effect on local amenity or on the visual amenity or character of the area and the proposal should provide adequate amenity for future occupiers.
- 5.4 Policy GP6 (Quality of Design) seeks to achieve good quality design in all forms of development and states that design proposals should take into account the context of the site and locality; be appropriately scaled, and be constricted of high quality materials.
- 5.6 Newport City Council's Supplementary Planning Guidance on House Extensions and Domestic Outbuildings (Adopted August 2015) states that side extensions should be set back by at least 1m from the front elevation of the original building and set down from the ridge of the main roof with a side extension at a house occupying a corner plot should be set back from each established building line.

- 5.7 The application property occupies a corner plot and is orientated so that its rear and side elevations appear as prominent facades from the vehicular highway. The front of the property is not visible from the vehicular highway and is accessed via a pedestrian footpath. The design of the front of the property confirms that the pedestrian accessed entrance is to be used as main entrance and other properties in the locality follow a similar form, with their rear facing the main vehicular highway. The SPG states that where side extensions exist on corner plots they should be set back from both the front and the rear. 203 Pilton Vale, on the opposite side of the road, was granted planning permission in 2008 for a two storey side extension which was not set back from its highway-facing rear elevation, however, its position within the street scene is not as prominent as the application property and the extension is of a more conservative width than that proposed.
- 5.8 Because of its position on the side of the property which is adjacent to the highway, the proposed extension would not have an adverse impact upon the residential amenities of any neighbouring properties in terms of loss of light. However, the first floor windows in the front elevation are orientated towards the rear of, and overlook the rear garden of no. 230 Pilton Vale. The SPG states that to preserve privacy suitable separation distances must exist between new high level windows and protected windows and back gardens of neighbouring properties. The measured distance between the windows would be approximately 14m and this is considered to be insufficient in this instance to ensure the privacy of the neighbouring residents, contrary to the SPG and policy GP2.
- 5.9 The width of the proposed extension is 4.5m whereas the width of the original house is 5m. This results in a large addition to the house which will not be considered subservient to the original dwelling. Furthermore, owing to the orientation of the property and prominent position of the extension within the streetscene it is considered that a 1m set-back is also required to the rear elevation, as recommended by the SPG. Overall, the size of the extension and lack of set back to the rear elevation make for an overly dominant and prominent addition to the property to the detriment of the character and appearance of the property and area. In addition, the ground floor windows in the front elevation of the proposed extension are very small and narrow, which is inconsistent with the design of those in the original house making them appear incongruous on the façade of the building and contrary to guidance within the SPG.

## **6. OTHER CONSIDERATIONS**

### **6.1 *Crime and Disorder Act 1998***

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

### **6.2 *Equality Act 2010***

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

6.3 Having due regard to advancing equality involves:

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

6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.



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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

**7. CONCLUSION**

7.1 No objections have been received in respect of the proposal, however, owing to the orientation of the property, its prominent position and the proposed size of the extension it, makes for an overly dominant feature within the street scene. This is to the detriment of the character and appearance of the property and wider area. Consequently, the proposal is contrary to policies GP2 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) and the Supplementary Planning Guidance for House Extensions and Domestic Curtilages (Adopted August 2015). Planning permission is therefore refused.

**8. DECISION**

**REFUSED**

01 Owing to the orientation of the property, size and prominent position of the proposed extension, the proposal makes for an overly dominant feature within the street scene to the detriment of the character and appearance of the property and the wider area. This is contrary to policies GP2 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) and Supplementary Planning Guidance for House Extensions and Domestic Curtilages (Adopted August 2015).

02 The orientation of the extension and distance between its first floor windows and the rear of no. 230 Pilton Vale will result in a loss of privacy to the detriment of the residential amenities of the neighbouring occupants and contrary to policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) and Supplementary Planning Guidance for House Extensions and Domestic Curtilages (Adopted August 2015).

03 The design of the windows in the proposed extension do not replicated the fenestration in the original house making them appear incongruous on the façade of the building and contrary to guidance in the Supplementary Planning Guidance for House Extensions and Domestic Curtilages (Adopted August 2015).

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: KD1515/1KD1515/2

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

03 The Supplementary Planning Guidance for House Extensions and Domestic Outbuildings (Adopted August 2015) was 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.

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## **APPLICATION DETAILS**

**No:20**            **15/0837**            **Ward:**                    **MARSHFIELD**

**Type:**            **FULL**

**Expiry Date:** **08-OCT-2015**

**Applicant:**    **S WOODHAM**

**Site:**            **DRUIDSTONE HOUSE, DRUIDSTONE ROAD, OLD ST MELLONS, CARDIFF**

**Proposal:**    **PROPOSED SINGLE STOREY EXTENSION**

## **DECISION**    **GRANTED WITH CONDITIONS**

### **1. CONSULTATIONS**

1.1 NEWPORT ACCESS GROUP: No response.

### **2. INTERNAL COUNCIL ADVICE**

2.1 No internal Council advice was sought.

### **3. REPRESENTATIONS**

3.1 NEIGHBOURS: All properties that share a common boundary with the application site were consulted (7No addresses). One representation was received making the following comments;

- i) Anticipate a minor loss of available light to the hallway and bedroom, but believe the overall improvements to the area will be beneficial to all.
- ii) Happy for the application to proceed providing the dimensions specified are strictly adhered to.

3.2 SITE NOTICE: Posted 21<sup>st</sup> August 2015.

### **4. RELEVANT SITE HISTORY**

4.1 None

### **5. ASSESSMENT**

5.1 This application seeks planning permission for the erection of a replacement single storey extension to the property known as 1 Druidstone House, Druidstone Road, Newport. The property itself is contained within a large country house which has been converted into a number of apartments. The wider property has previously been heavily altered and extended.

5.2 The application site is a ground floor apartment that is accessed through a single storey side extension, which also houses the current bathroom. It is proposed that this would be replaced with an extension of a similar scale, but with a pitched roof. The proposed extension would measure 3.1m in depth, 4.25m in width and reach a height of 2.72m to the eaves, 4.1m to the ridge. It would be constructed in a mixture of matching brickwork, rendering and a slate roof, all to match the materials of the existing building. It would also incorporate a barge board and finial detailing to match. As part of the works, the front door will be relocated and a canopy erected above its new location.

5.3 Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015) are relevant to the determination of this application.

5.4 The extension is considered to be minor in scale, with its footprint marginally larger than the extension that is to be replaced; the current extension has a depth of 2.6m and a width of 4.25m, so its depth would increase by 0.5m. In the context of the host property, the extension is considered suitable in scale and more appropriate in its design by introducing a pitched roof in place of the current modern flat roof structure. There is evidence in the

brickwork on site that a pitched roof structure was originally in place. The design of the extension is considered to be acceptable and to relate well to the host property.

- 5.5 It is not considered that the additional 0.5m in depth would result in an unacceptable impact on the amenity of nearby residents. Whilst it would protrude further in front of a nearby window (to no2), it is not considered that this would result in an unacceptable impact by way of loss of light or overbearing impact given the separation distance between the window and the extension and the north facing aspect of that window. Similarly, the increase in the overall height of the structure is considered to be negligible considering the height of the existing structure, the additional height proposed and the distance between the ridge and nearby windows. The relocation of the front door and erection of canopy above (adjoining to the roof of the extension) would be acceptable in design and would not be detrimental to residential amenity.
- 5.6 There are number areas of the property which contain sections of white render, particularly on the elevation in question. As such, it is not considered that the materials proposed would be out of keeping with the remainder of the property.

## **6. OTHER CONSIDERATIONS**

### **6.1 *Crime and Disorder Act 1998***

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

### **6.2 *Equality Act 2010***

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

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

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

### **6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.**

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## **7. CONCLUSION**

### **7.1 Having regard to the aforementioned policies of the LDP, it is concluded that the design and impact of the proposed extension would be acceptable. Planning permission is therefore granted with conditions.**

## **8. DECISION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents; 01, 02, Block Plan, Site Location Plan and Design and Access Statement.

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 GP2 and GP6 were relevant to the determination of this application.

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

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## **APPLICATION DETAILS**

**No:21**            **15/0885**            **Ward:**            **MARSHFIELD**

**Type:**            **FULL**

**Expiry Date:** **22-SEP-2015**

**Applicant:**    **GILBERT STANLEY THOMAS**

**Site:**            **LAND TO NORTH EAST OF ST BRANNOCKS, BEGAN ROAD, CARDIFF**

**Proposal:**    **EXCAVATION OF TRENCH TO LAY 33KV UNDERGROUND CABLE OVER DISTANCE OF 170 METRES THROUGH FIELD**

## **DECISION GRANTED WITH CONDITIONS**

### **1. CONSULTATIONS**

- 1.1 **NATURAL RESOURCES WALES:** We have reviewed the application and offer no objection to proposed development. However, please note that we have not considered possible effects on all species and habitats (including nesting birds) listed in Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests.
- 1.1.1 To comply with your Authority's duty under Section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your Authority's internal ecological adviser and/or nature conservation organisations such as the local Wildlife Trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for Section 42 habitats and species ([www.biodiversitywales.org.uk](http://www.biodiversitywales.org.uk)).
- 1.1.2 The applicant should also be advised that, in addition to planning permission, it is their responsibility to ensure that they acquire all other permits/consents relevant to their development.
- 1.2 **WESTERN POWER DISTRIBUTION:** Advise of apparatus in area and safe working practices.

### **2. INTERNAL COUNCIL ADVICE**

- 2.1 **HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS):** Whilst the proposed excavation works will not affect the highway I would question where contractors vehicles plan to park. Parking on Began Road would not be acceptable due to the limited width of the road.
- 2.2 **HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY):** I do not object to the application however I would make the following points;
- 1-I would recommend that the works be undertaken outside bird nesting season (February-August inclusive);
- 2-The replanting scheme will need to be conditioned;
- 2.2.1 There are dormouse records in the area however given that it is a small section of hedgerow to be removed and by all accounts it is not the best example of a hedgerow as it is broken I do not envisage there being any impacts on dormice.
- 2.3 **HEAD OF STREETSCENE AND CITY SERVICES (TREE OFFICER):** No response.
- 2.4 **HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH):** The site is located in a historic mining area. Whilst not indicated as contaminated land on the councils

contaminated land register, there is potential for the area to be affected with contaminated fill material, as such I would request the following conditions:

#### Contamination – Unforeseen

EH02 Any unforeseen ground contamination encountered during development, to include demolition, shall be notified to the Local Planning Authority as soon as is practicable. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, a Completion/Verification Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to and approved in writing by the Local Planning Authority.

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

### 3. REPRESENTATIONS

3.1 NEIGHBOURS: The application was advertised by way of a site notice. No responses were received.

3.2 MICHAELSTONE COMMUNITY COUNCIL: No response.

### 4. RELEVANT SITE HISTORY

14/0337	Installation of a ground mounted photovoltaic (solar electricity) plant (4.85mw)	Pending consideration
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### 5. ASSESSMENT

5.1 This is a full planning application for the excavation of a trench to lay a 33Kv underground cable. Planning permission is required as the trench is deemed to comprise an engineering operation.

5.2 The proposed cabling will extend over a distance of 170m along the southern periphery of an existing field to the east of Began Road. It is intended that it will provide a backup plan to connect a solar farm (see planning history above) to the Western Power Distribution substation in the neighbouring field if required. The agent has confirmed that both applications are independent of each other and that they have only applied for the cable route as a second option to connect if necessary.

5.3 Policies SP1 (Countryside), GP2 (General Amenity), GP4 (Highways and Accessibility), GP5 (Natural Environment), GP6 (Quality of Design) and GP7 (Environmental Protection and Public Health) of the Newport Local Development Plan 2011-2026 (adopted January 2015) are relevant to the determination of this application

5.4 The trench accommodating the cable will have a width of 0.45m and a depth of 1.0m. The topsoil and subsoils will be stored separately on site. A 33kv cable will be laid in the trench and the land will be reinstated with the backfilling of the subsoil and then the topsoil. The area will then be reseeded with species rich grass. It is considered that the laying of the cable will not result in any loss of amenity to the occupiers of surrounding buildings.

5.5 As part of the proposal it is intended to remove an area of hedgerow that separates the existing fields. Following the completion of the works a native species hedgerow will be reinstated. The Council's Ecologist has no objection to the loss of a small section of hedgerow subject to a condition requiring the provision of a replanting scheme.

5.6 The site falls within a zone C1 as defined by the development advice maps referred to in TAN 15. NRW has advised that given the nature of the development a Flood Consequences Assessment was not required in support of this application. In addition they have not raised any issues in relation to flood risk.

5.7 The proposed engineering operation will not have any impact on the surrounding highway network, but concerns have been raised in relation to parking of contractor's vehicles. This

is a matter that can be dealt with through the submission of a construction management plan and will be conditioned accordingly.

- 5.8 Finally, the Councils Environmental Health Officer has identified that the site falls within a historic mining area, and there may be potential for contaminated land to be encountered. Again this is a matter that will be conditioned accordingly.

## **6. OTHER CONSIDERATIONS**

### **6.1 *Crime and Disorder Act 1998***

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

### **6.2 *Equality Act 2010***

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

- 6.3 Having due regard to advancing equality involves:

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

- 6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## **7. CONCLUSION**

- 7.1 The proposed trenching of the cabling is considered to be acceptable and will not have any unacceptable impact on neighbouring amenity, highway safety, flood risk or any ecological interests at the site.

## **8. DECISION**

### **GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents: Site location plan, hedgerow management plan and cable route/trench planning application.

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

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

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

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

- noise mitigation measures;
- details of any temporary lighting;
- details of enclosure of working areas;
- contractor parking areas;
- construction/demolition vehicular movements.

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

Reason: To protect the amenities of nearby residents.

### ***Prior to removal of the hedgerow***

03 Prior to the removal of the existing hedgerow, full details of a replacement hedgerow shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the position and type of species. 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 hedgerow shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any part of the hedgerow 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 hedgerow is reinstated.

### ***General Condition***

04 Any unforeseen contamination encountered during ground excavation, shall be notified to the Local Planning Authority as soon as is practicable. An appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to and approved in writing by the Local Planning Authority.

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

### ***NOTE TO APPLICANT***

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

02 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.

03 The amended Wildlife and Countryside Act 1981 protects bird species whilst nesting in the UK. This protection extends to a bird, its nest, eggs, and young until such time as the young have fledged. Vegetation clearance should proceed outside the peak bird-breeding season (generally considered to be February through August inclusive) or within the breeding season only if a pre-clearance survey shows no breeding birds to be present, nesting or commencing nesting within the vegetation to be affected.

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## **APPLICATION DETAILS**

**No:22**      **15/1047**      **Ward:**      **MARSHFIELD**

**Type:**      **NON-MATERIAL AMENDMENT**

**Expiry Date:** **20-SEP-2015**

**Applicant:**      **M DAWKES**

**Site:**      **LAND TO REAR OF 1 TO 3, THE HOLLIES, MARSHFIELD, CARDIFF**

**Proposal:**      **NON MATERIAL AMENDMENT FOR WINDOW ALTERATIONS TO PLANNING PERMISSION 14/0994 FOR THE CONSTRUCTION OF NEW DWELLING AND ASSOCIATED DRIVEWAY AND EXTERNAL WORKS**

**DECISION**      **APPROVED**

### **1. CONSULTATIONS**

1.1 No external consultation was undertaken.

### **2. INTERNAL COUNCIL ADVICE**

2.1 No internal Council advice was sought.

### **3. REPRESENTATIONS**

3.1 NEIGHBOURS: None

### **4. RELEVANT SITE HISTORY**

14/0994 CONSTRUCTION OF NEW DWELLING AND ASSOCIATED DRIVEWAY AND EXTERNAL WORKS      Granted with Conditions

### **5. ASSESSMENT**

5.1 This application seeks the authority's determination as to whether amendments to the originally approved scheme (14/0994) are non-material in accordance with section 96A of the Town and Country Planning Act 1990 (as amended). The development in question is for the erection of 1No detached dwelling on land to the rear of 1-3 The Hollies, Marshfield, Newport.

5.2 The amendments to the originally approved scheme are;

- Omission of two windows to the living room,
- Increasing size of study window,
- Removal of small study window,
- Increasing size of kitchen window,
- Addition of utility room window,
- Increase size of landing window, and
- Omission of stone to elevations.

5.3 Section 96A of the Town and Country Planning Act 1990 allows a non-material amendment to be made to an existing planning permission. Whilst there is no statutory definition of a 'non-material amendment', the Authority must consider;

1. the scale of the proposed changes and whether they are great enough to cause an impact different to that caused by the original approved development, and whether that change would have a detrimental impact either visually or in terms of local amenity;
2. whether any third party or body would be disadvantaged in planning terms; and
3. if the proposed change conflicts with national or development plans policies.

5.4 The scale of the proposed changes are considered to be minor overall. The removal of windows to the study and living room are not considered to be detrimental either visually or

in terms of local amenity. The increase in window sizes to the kitchen, study and landing are considered to result in an immaterial impact on visual and neighbouring amenity; they result in the widening of ground floor openings (so would be screened by the boundary treatments), as would the additional small utility room window, and whilst the landing window would be at first floor, it would be on the front elevation further from neighbouring properties. Given that it is proposed to widen an already approved opening, it is not considered that this would result in a detrimental impact in terms of visual or residential amenity - the widening of the study and landing window would actually improve the overall balance and appearance of the dwelling. It is not considered that the removal of stone from the elevation would result in a detrimental impact. These details are to be agreed via a discharge of condition in any case. It is not considered that any third party or body would be disadvantaged in planning terms, and that the proposal would not conflict with national or development plan policies.

## **6. OTHER CONSIDERATIONS**

### **6.1 *Crime and Disorder Act 1998***

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

### **6.2 *Equality Act 2010***

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

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

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

### **6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.**

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## **7. CONCLUSION**

### **7.1 Having regard to the criteria as set out above, it is concluded that the amendments to the originally approved scheme are non-material. As a result, this application is approved.**

## **8. DECISION**

APPROVED

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: South and east elevations rev.D – proposals, South and east elevations – approved drawing 14/0994, North and west elevations rev.D – proposals, North and west elevations – approved drawing 14/0994, Ground and first floor plans rev.D – proposed, Ground and first floor plans – approved drawing 14/0994, Second

and roof plans – approved drawing 14/0994, First and second floor plans rev.D – proposed, Covering letter and Site Location Plan.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

03 The decision notice to this application should be read in conjunction with that for planning permission 14/0994 since the conditions of that permission are still relevant to the development proposed under this application.

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## **APPLICATION DETAILS**

**No:23**            **14/0637**            **Ward:**            **PILGWENLLY**

**Type:**            **OUTLINE**

**Expiry Date:** **30- SEP-2015**

**Applicant:**    **A. MORRIS, CHURCHILL PROPERTY MANAGEMENT**

**Site:**            **PILL LABOUR HALL, JAMES STREET, NEWPORT**

**Proposal:**    **OUTLINE APPLICATION FOR THE RESIDENTIAL DEVELOPMENT OF THE SITE WITH APPROVAL BEING SOUGHT FOR ACCESS.**

## **DECISION GRANTED WITH CONDITIONS**

### **1. CONSULTATIONS**

- 1.1 **DWR CYMRU WELSH WATER:** Request that the following conditions/advisory notes be attached to any consent:  
Foul water and surface water discharges shall be drained separately from the site.  
No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.  
Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.  
No problems are envisaged with the provision of water supply for this development.  
Some public sewers and lateral drains may not be recorded and request that the applicant contacts the Operations Contact Centre 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.  
The Welsh Government has introduced new legislation to make it mandatory for all developers wishing to communicate with the public sewerage system to obtain an adoption agreement for their sewerage.
- 1.2 **NATURAL RESOURCES WALES:** No objection.
- 1.3 **NEWPORT ACCESS GROUP:** No response.
- 1.4 **WESTERN POWER:** Details of apparatus in the area.

### **2. INTERNAL COUNCIL ADVICE**

- 2.1 **HEAD OF STREETSCENE & CITY SERVICES (HIGHWAYS):** James Street is subject to a 20mph speed limit. The proposed alterations to the building will ensure that sufficient visibility will be available in line with the speed limit.  
The applicant has shown that sufficient facilities are available within the area to justify a reduction in the parking requirements. The proposed level of parking is therefore considered acceptable for both residents and visitors.  
A construction management plan will be required which includes details of contractor parking/compound, wheel wash facilities and dust suppression. Subject to this I would offer no objection to the application.
- 2.2 **HEAD OF LAW AND STANDARDS (ENV. HEALTH):** No objections.
- 2.3 **PLANNING CONTRIBUTIONS MANAGER:** S106 planning obligations are normally requested to mitigate the direct impact of development and, thereby, provide sustainable development.  
Any assessment of economic viability should consider the level of planning obligations requested;

The Three Dragon's Toolkit has been used to assess the economic viability of the proposed development and shows a negative Residual Value;

The development may be eligible for reduced contributions if it can be proven that the level of contribution will jeopardise a proposals' viability. The scope and scale of S106 planning obligations, requested below, reflect current economic circumstances.

**2. Education** The development falls within the catchment area of Duffryn High School (deficit of 26 pupil places, as at January 2015) and Pillgwenlly Primary School (deficit of 21 pupil places, as at January 2015). Taking into account the scale and type of development and the current pupil numbers and school capacities, a sum of £16,115 would normally be generated for Pillgwenlly Primary School.

**3. Leisure** Owing to the flatted nature of the development, no on-site provision will be required. As such, based upon the scale and type of dwellings proposed, as well as taking account of the deficit of Equipped and Informal Play provision within the Pillgwenlly ward (and the net deficit of Formal Play provision), a sum of £28,157 would normally be generated for provision and/or improvement of off-site Equipped, Formal and Informal Play provision.

**4. Affordable Housing** Commuted sum payments for affordable housing would normally be sought on sites of fewer than 10 dwellings within the settlement boundary of Rogerstone & Newport West (based upon 30% provision at 50% of ACG);

It is recognised that the scale of provision can be reduced in order to accommodate a development's limited economic viability. As such, any assessment of economic viability should consider the level of provision, the amount of available grant subsidy and the total amount of planning obligations requested;

**5. Conclusion** In the light of the viability assessement submitted that supported the application, , it is concluded that the planning obligations are financially onerous. As such, it is proposed that no planning obligations are requested.

2.4 HEAD OF STREETSCENE & CITY SERVICES (LEISURE) : No objection subject to regard to possible S106 contributions.

### 3. REPRESENTATIONS

3.1 NEIGHBOURS: All properties that share a common boundary with and are opposite the application site were consulted (9 No addresses). 1 letter of objection on the following grounds:

-the proposed development is still un acceptable as there does not seem to be any solution to concerns regarding a building within 30cm of adjacent property and how it can be maintained.

-the gap left between the proposed properties could fill up with debris and result in damp.

-whilst the previous building was linked to the property it was on the understanding that access for maintenance would be approved

-request that the application be considered by committee and that the objector could speak about this issue.

3.2 COUNCILLORS ALL: as this is an in principle proposal does not require that it be considered by Committee due the neighbours concerns.

### 4. RELEVANT SITE HISTORY

04/0496	Redevelopment of site for residential use (outline)	Granted with conditions
05/0375	Erection of 5no. 3 storey dwellings	Refused
05/1178	Erection of 5no. 3 storey	Refused

	dwellings (resubmission	
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## 5. ASSESSMENT

- 5.1 This application seeks outline permission for the residential development of the site. The site is the former site of the Pillgwenlly Labour Club which due to the state of repair was demolished some time ago. The site is currently vacant. The site fronts onto James Street on it's western perimeter, all other sides are abutted by residential properties. As stated the application is an outline application with all matters reserved with the exception of access. The indicative plans show a three storey development which would house flats on the upper floors and car parking at ground level. Parking space for 13 cars is proposed with access off James Street. The plans show a three storey building of a height of 10m, a maximum depth of 19.5m and width of 25.9m.
- 5.2 The site is located within the urban area as designated by the Newport Local Development Plan 2011-2026 and the following policies are of relevance : The following policies are relevant to the determination of this application:  
Objective 1 which seeks to ensure sustainable use of land by locating development in sustainable locations  
Objectives 5. Conservation and the Historic Environment, 6. Conservation and the Natural Environment  
Policy SP1 proposals are required to make a positive make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary.  
Policy SP13 Planning Obligations—development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of its location.  
Policy SP18 proposals will be favoured which assist the regeneration of the urban area, particularly where they contribute to: vitality, viability and quality of the city centre, provision of residential opportunities, and re-use of vacant land  
Policy GP2 which aims to protect general amenity in terms of noise and disturbance, privacy, overbearing impact, light and visual amenities  
Policy GP3 development will be permitted where the necessary and appropriate service infrastructure exists and that there is sufficient capacity for the development within the public foul sewer and if not satisfactory improvements are provided by the developer.  
Policy GP4 has regard to highway and access and requires that development should provide access for pedestrians, cyclists, be accessible to main transport routes and provide cycle storage  
Policy GP5 which seeks to protect the natural environment, including trees,  
Policy GP6 which seeks a good quality of design in all development.  
Policy GP7 refers to Environmental Protection and Public Health development will not be permitted which will cause risk to the environment, local amenity, health or safety.  
Policy H2 states that residential development should be built to high standards of environmental and sustainable design, taking into account the whole life of the dwelling  
Policy H4 refers to Affordable Housing and states that on-site provision of affordable housing will be required on all new housing sites of 10 or more dwellings within the settlement boundary, or 3 or more dwellings within the defined village boundaries.  
Policy H6 of the Newport LDP notes that “the sub-division of residential curtilages, infill within existing residential areas, and the development of backland to existing residential properties will only be permitted where this does not represent an over-development of land.”  
Policy T4 states that development will be required to provide appropriate levels of parking, within defined parking zones, in accordance with adopted parking standards  
Supplementary Planning Guidance for New Dwellings, adopted August 2015 is of relevance which reiterates the policies as stated above and provides details on design principles.
- 5.3 The principle of residential development is supported as the site is located within the urban area and surrounded by residential properties. The site is not located within a flood risk area and Natural Resources Wales have offered no objection to the development of this site. In terms of noise, the Public Protection Manager has no objections to the proposal. The main constraint with the site is the adjacent residential properties which are sited on

three sides of the site and whilst the gable ends of properties in Haynes Court which abut the application site, number 23 James Street has windows in the side elevation of the rear addition. The rear amenity spaces associated with these properties is also a constraint. The impact upon these properties can only be fully assessed when the reserved matters application is submitted with final details of siting and design. The indicative layout does show a footprint which would minimise the impact upon adjacent properties. The footprint is irregular with a blank gable end closest to the gable end on number 11 Haynes Court. The neighbours concern about the proximity of the building to the side elevation of their property preventing maintenance therefore is noted and would be for further consideration at the detailed application stage.

5.4 The applicant has provided details of access and proposes two points of access off James street into a parking area on the ground floor of the site. The Head of Street scene and City services, is satisfied that adequate visibility can be provided from the proposed access points and an adequate level of car parking can be provided within the site. There is no objection to the proposal subject to conditions relating to the requirement of a construction management plan.

5.5 In terms of contributions, S106 planning obligations are normally requested to mitigate the direct impact of development and, thereby, provide sustainable development. Any assessment of economic viability should consider the level of planning obligations requested. The Three Dragon's Toolkit has been used to assess the economic viability of the proposed development and shows a negative Residual Value.

In terms of education the development falls within the catchment area of Duffryn High school (deficit of 26 pupil places, as at January 2015) and Pillgwenlly Primary School (deficit of 21 pupil places, as at January 2015). Taking into account the scale and type of development and the current pupil numbers and school capacities, a sum of £16,115 would normally be generated for Pillgwenlly Primary School. In terms of Leisure, owing to the flatted nature of the development, no on-site provision will be required. As such, based upon the scale and type of dwellings proposed, as well as taking account of the deficit of Equipped and Informal Play provision within the Pillgwenlly ward (and the net deficit of Formal Play provision), a sum of £28,157 would normally be generated for provision and/or improvement of off-site Equipped, Formal and Informal Play provision. In terms of Affordable Housing commuted sum payments for affordable housing would normally be sought on sites of fewer than 10 dwellings within the settlement boundary of Rogerstone & Newport West (based upon 30% provision at 50% of ACG). It is recognised that the scale of provision can be reduced in order to accommodate a development's limited economic viability. Any assessment of economic viability considered the level of provision, the amount of available grant subsidy and the total amount of planning obligations requested. The viability assessment was based on the erection of a flatted development for eight units , it concluded that there was limited viability with the proposal and due to this it is considered that planning obligations are financially onerous. As such, it is proposed that no planning obligations are requested. It is felt appropriate therefore to restrict the nature of the development by condition which would limit the development to a maximum of eight flats, and not houses.

5.6 In terms of other issues Welsh Water have no objections to the scheme.

## **6. OTHER CONSIDERATIONS**

### **6.1 *Crime and Disorder Act 1998***

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

### **6.2 *Equality Act 2010***

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

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

6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

**7. CONCLUSION**

7.1 Having regard to the aforementioned policies of the LDP and the SPG, it is concluded that the principle of the residential development of the site would be acceptable. Planning permission is therefore granted with conditions.

**8. DECISION**

**GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents site location plan JS/14/0/01a (Indicative layout) Design and Access statement. 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 Approval of the details of the layout, scale, appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority.

Reason: To safeguard the rights of control of the Local Planning Authority in respect of the reserved matters and to comply with the provisions of Article 3(1) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

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

Reason: To ensure adequate drainage is provided.

04 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;
- wheel washing facilities;
- noise mitigation measures;
- details of any temporary lighting;
- details of enclosure of working areas;
- contractor parking areas;
- construction/demolition vehicular movements.

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

Reason: To protect the amenities of nearby residents.



***Pre-occupation conditions***

05 Provision shall be made within the site for garaging/parking facilities for each unit in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The garaging/parking facilities as approved shall be provided prior to the first occupation of the associated units and shall be kept available for such use at all times thereafter.

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

06 Provision shall be made within the site for bin storage in accordance with details which include elevations and finishes, that have first been submitted to and approved in writing by the Local Planning Authority. The details as approved shall be provided prior to the first occupation of the associated units 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***

07 The development hereby approved shall be for a maximum of eight flats and no houses.

Reason: The viability of the scheme which negated the need for S106 contributions was based on eight flats.

08 This permission does not grant or imply consent for the illustrative sketch scheme accompanying the application.

Reason: In the interest of clarity.

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***NOTE TO APPLICANT***

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP13, SP18, GP2, GP3, GP4, GP5, GP6, GP7, H2, H4, H6, and T4 were relevant to the determination of this application.

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

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

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

05 Foul water, land drainage run off and surface water must be discharged separately from the site. No surface water or land drainage run off shall be allowed to connect to the public sewerage system

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## APPLICATION DETAILS

No:24      15/1039      Ward:      **PILGWENLLY**

Type:      **DISCHARGE CONDITIONS**

Expiry Date: **14-OCT-2015**

Applicant:      **MONO METALS LIMITED**

Site:      **LAND AND BUILDINGS NORTH OF AND ADJACENT TO 27-30, COOMASSIE STREET, NEWPORT**

Proposal:      **PARTIAL DISCHARGE OF CONDITION 02 (SURFACE WATER DRAINAGE/OIL INTERCEPTOR) OF PLANNING PERMISSION 14/1088 FOR CHANGE OF USE OF LAND AND BUILDINGS TO PROCESSING OF SCRAP METAL**

**DECISION      APPROVED**

### 1.      **CONSULTATIONS**

- 1.1      DWR CYMRU WELSH WATER: have examined the information submitted and based on the fact that surface water and land drainage from the proposed development will connect into a culvert, and no surface water from the development will be communicated with the public sewer, we are able to recommend that the condition is partially discharged.
- 1.2      NATURAL RESOURCES WALES: Recommend that Welsh Water be consulted.

### 2.      **INTERNAL COUNCIL ADVICE**

- 2.1      None.

### 3.      **REPRESENTATIONS**

- 3.1      None.

### 4.      **RELEVANT SITE HISTORY**

14/1088	For change of use of land and buildings to processing of scrap metal	Granted with conditions
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### 5.      **ASSESSMENT**

- 5.1      Planning permission was granted for the use of this site as a scrap yard application number 14/1088. Condition 2 of the permission required details of the surface water discharge and details of the oil interceptors. The applicant has provided details of the surface water proposal. Welsh Water has no objections to the proposal as long as the surface water discharges into the culvert. The applicant proposes to install a klargester/Kingspan Environmental which provides a full retention separators which tend to be used on sites where there is a risk of spillage. It is considered that the details are acceptable and there is no objection to the partial discharge of condition 2.

### 6.      **OTHER CONSIDERATIONS**

#### 6.1      ***Crime and Disorder Act 1998***

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

#### 6.2      ***Equality Act 2010***

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

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

6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

**7. CONCLUSION**

7.1 The condition has been partially discharged.

**8. DECISION**

**APPROVED**

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: Drainage plan, details of klargester/kingspan Environmental

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

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

04 Please note that Welsh Water have no objections on the basis that surface water and land drainage from the proposed development will connect into a culvert and not the main sewer.

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## APPLICATION DETAILS

No:25      15/1050      Ward:      **PILGWENLLY**

Type:      **CERTIFICATE OF LAWFUL USE(PROPOSED)**

Expiry Date: 18-OCT-2015

Applicant: **H WEST**

Site:      **LAND TO SOUTH OF BALDWINS CRANE HIRE, WEST WAY ROAD, ALEXANDRA DOCKS, NEWPORT**

Proposal: **LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) FOR THE PARTIAL IMPLEMENTATION OF PLANNING PERMISSION 10/1238 FOR DEVELOPMENT OF BULK DRYING AND PELLETING FACILITY WITH ONSITE ENERGY CENTRE, OPEN STORE BAYS, SITE ACCESS AND PARKING, SECURITY GATE HOUSE, SITE OFFICE AND WORKSHOP AND ELEVATED CONVEYOR TO THE QUAY ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT**

## DECISION      GRANTED

### 1.      **CONSULTATIONS**

1.1      None

### 2.      **INTERNAL COUNCIL ADVICE**

2.1      HEAD OF LAW AND STANDARDS (LEGAL): I have looked at the process described by the applicant and it seems that what he is describing is a process which achieves the same goal of generating electricity but with a lesser output and so less heat discharged. As far as the process is concerned, the original consent allowed an onsite energy centre with a larger output and it is my view that the scheme proposed would not differ so greatly as to be outside that original consent.

### 3.      **REPRESENTATIONS**

3.1      None undertaken.

### 4.      **RELEVANT SITE HISTORY**

10/1238	DEVELOPMENT OF BULK DRYING AND PELLETING FACILITY WITH ONSITE ENERGY CENTRE, OPEN STORE BAYS, SITE ACCESS AND PARKING, SECURITY GATE HOUSE, SITE OFFICE AND WORKSHOP AND ELEVATED CONVEYOR TO THE QUAY ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT	Granted with conditions
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### 5.      **ASSESSMENT**

5.1      This application seeks a lawful development certificate (proposed) for the partial implementation of a planning permission (10/1238) for the development of a bulk drying and pelleting facility with an onsite energy centre, open store bays, site access and parking, security gate house, site office and workshop and elevated conveyor to the quay.

5.2      The partial implementation involves the construction/implementation of the energy centre, a gas compound, fenced switchyard, rain water harvesting tank, exhaust stack, access and access road. The process would be limited to the generation of electricity using natural gas. It would produce 70-80% of the electricity originally consented. All of the electricity would be exported from the site into the local network.

5.3      The original application was accompanied by an Environmental Statement. This application has been screened under the Environmental Impact Assessment Regulations and it is

considered that the partial implementation of the permission is not likely to raise any additional significant impacts which have not already been assessed as part of the original planning permission.

- 5.4 The Head of Law and Standards advises that the partial implementation involves a process which achieves the same goal of generating electricity but with a lesser output and so less heat discharged. As the original consent allowed an onsite energy centre with a larger output and it is considered that the scheme proposed would not differ so greatly as to be outside the original consent.

## **6. OTHER CONSIDERATIONS**

### **6.1 *Crime and Disorder Act 1998***

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

### **6.2 *Equality Act 2010***

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

- 6.3 Having due regard to advancing equality involves:

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

- 6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## **7. CONCLUSION**

- 7.1 The proposed scheme is not considered to differ so greatly as to be outside of the original consent. The Certificate of Lawful Development (Proposed) is granted.

## **8. DECISION**

### **GRANTED**

#### *NOTE TO APPLICANT*

01 This decision relates to: Supporting Note (Vogen Energy Limited, 19<sup>th</sup> August 2015), drawing 0002 rev 02 (as annotated 14 February 2015).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

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

04 The applicant is reminded that development should not commence until all necessary conditions of permission 10/1238 have been discharged in writing by the Local Planning Authority.

05 The applicant is reminded that the expiry of planning permission 10/1238 remains to be 11<sup>th</sup> May 2016 and this is not altered by this decision.

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**APPLICATION DETAILS**

No:26            15/0974            Ward:            **RINGLAND**

Type:            **DISCHARGE CONDITIONS**

Expiry Date: **29-SEP-2015**

Applicant:     **ESSO PETROLEUM COMPANY LTD**

Site:            **TESCO EXPRESS, CHEPSTOW ROAD, NEWPORT, NP19 9EZ**

Proposal:     **DISCHARGE OF CONDITION 5(C) (SITE INVESTIGATION VALIDATION REPORT) OF PLANNING PERMISSION 06/0840 FOR THE DEMOLITION OF EXISTING PETROL FILLING STATION AND ERECTION OF NEW SALES BUILDING, CANOPY, INSTALLATION OF NEW FUEL DISPENSERS, NEW PAVING AND SERVICE YARD WITH EXTERNAL CONDENSERS**

**DECISION    APPROVED**

**1.    CONSULTATIONS**

1.1    None

**2.    INTERNAL COUNCIL ADVICE**

2.1    HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH): No Objection

**3.    REPRESENTATIONS**

3.1    None

**4.    RELEVANT SITE HISTORY**

06/0840	DEMOLITION OF EXISTING PETROL FILLING STATION AND ERECTION OF NEW SALES BUILDING, CANOPY, INSTALLATION OF NEW FUEL DISPENSERS, NEW PAVING AND SERVICE YARD WITH EXTERNAL CONDENSERS	GRANTED WITH CONDITIONS
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**5.    ASSESSMENT**

5.1    Full planning permission was granted for the demolition of the existing petrol filling station and erection of new sales building, canopy, installation of new fuel dispensers, new paving and service yard with external condensers. A number of conditions were attached to the full permission 06/0840, one of which related to the remediation of the site.

5.2    Condition 5(c) was attached to the permission to ensure remediation works have been completed in accordance with a remediation strategy as approved by the Local Planning Authority, and a Validation Report that certifies the site has been appropriately remediated for its end use has been compiled by a suitably qualified engineer who supervised the works and has been submitted to and approved in writing by the Local Planning Authority.

5.3    The submitted Site Investigation Validation Report has been reviewed by the Head of Law and Regulation (Environmental Health) and they have no objection to the discharge of Condition 5(c).

**6.    OTHER CONSIDERATIONS**

**6.1    *Crime and Disorder Act 1998***

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

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

6.2 ***Equality Act 2010***

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

6.3 Having due regard to advancing equality involves:

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

6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

7. **CONCLUSION**

7.1 The submitted Site Investigation Validation Report is considered acceptable and Condition 5 (c) is discharged.

8. **DECISION**

APPROVED

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: 935752204\_01 - Remediation Verification Report

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

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

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**APPLICATION DETAILS**

**No:27**      **15/1035**      **Ward:**                      **RINGLAND**

**Type:**                      **DISCHARGE CONDITIONS**

**Expiry Date:** **17-SEP-2015**

**Applicant:**      **STEVE GROUCOTT, SKERRYVORE DESIGNS**

**Site:**                      **SITE OF GROVE COTTAGE, CHEPSTOW ROAD, NEWPORT, NP19 9EZ**

**Proposal:**      **PARTIAL DISCHARGE OF CONDITION 09 (CEMP) OF PLANNING PERMISSION 11/0497 FOR ERECTION OF 2NO. DETACHED DWELLINGS IN PLACE OF COLLAPSED HOUSE (AMENDMENT TO PLANNING APPLICATION 10/0641 FOR ERECTION OF TWO SEMI DETACHED DWELLINGS)**

**DECISION**      **APPROVED**

**1. CONSULTATIONS**

1.1 None

**2. INTERNAL COUNCIL ADVICE**

2.1 HEAD OF LAW AND REGULATION (POLLUTION): No objection.

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

**3. REPRESENTATIONS**

3.1 None

**4. RELEVANT SITE HISTORY**

11/0497	ERECTION OF 2NO. DETACHED DWELLINGS IN PLACE OF COLLAPSED HOUSE (AMENDMENT TO PLANNING APPLICATION 10/0641 FOR ERECTION OF TWO SEMI DETACHED DWELLINGS)	GRANTED WITH CONDITIONS
15/0098	PARTIAL DISCHARGE OF CONDITION 9 (CEMP) OF PLANNING PERMISSION 11/0497 FOR THE ERECTION OF 2NO. DETACHED DWELLINGS IN PLACE OF COLLAPSED HOUSE (AMENDMENT TO PLANNING APPLICATION 10/0641 FOR ERECTION OF TWO SEMI DETACHED DWELLINGS).	REFUSED

**5. ASSESSMENT**

5.1 This application seeks to partially discharge condition 09 (Construction Environment Management Plan) of planning permission 11/0497 for the erection of 2no. detached dwellings in place of collapsed house (amendment to planning application 10/0641 for erection of two semi-detached dwellings) at Grove Cottage, Chepstow Road in the Ringland Ward.

5.2 Condition 09 of permission 11/0497 states that:

*“Prior to the commencement of any work on site, including site clearance and preparation, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall be implemented in accordance with the approved details. The CMP is to include details such as wheel wash, delivery times and contractor parking areas.*

*Reason: In the interests of highway safety.”*

- 5.3 Policy GP2 (general amenity) of the Newport Local Development Plan (NLDP) 2011-2026 (adopted January 2015) is relevant to the determination of this application.
- 5.4 Amended plans and information has been submitted following the refusal of a previous application to partially discharge the condition. No objection has been received from the Head of Law and Regulations (Pollution) and it is not considered that the construction should result in any adverse impacts to neighbouring amenities providing that the stated dust suppression measures are adhered to on site. The Head of Streetscene and City Services (Highways) had several concerns with regards to the previously submitted details. These issues have now been addressed and no further objections to the details have been made by the Head of Streetscene and City Services (Highways). As such the CEMP details are considered acceptable and are in accordance with policy GP2 of the NLDP. The condition can be partially discharged.

## 6. OTHER CONSIDERATIONS

### 6.1 ***Crime and Disorder Act 1998***

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

### 6.2 ***Equality Act 2010***

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

### 6.3 Having due regard to advancing equality involves:

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

### 6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## 7. CONCLUSION

- 7.1 The proposed CEMP details are considered acceptable and condition 09 of planning permission 11/0497 can be partially discharged.

## 8. DECISION

APPROVED

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: Construction and Environment Management Plan; KW 02 - 010A - CEMP Parking Details.

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

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

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## **APPLICATION DETAILS**

**No:28**      **15/0752**      **Ward:**      **ROGERSTONE**

**Type:**      **FULL**

**Expiry Date:** **13-SEP-2015**

**Applicant:**      **TT ELECTRONICS INTEGRATED MANUFACTURING**

**Site:**      **LAND ENCOMPASSING UNIT 2 AT UNITS 1 AND 2, TREGWILYM INDUSTRIAL ESTATE, ROGERSTONE, NEWPORT**

**Proposal:**      **INCREASE IN ROOF HEIGHT OF EXISTING WAREHOUSE TO PROVIDE INSULATION**

## **DECISION      GRANTED WITH CONDITIONS**

### **1.      CONSULTATIONS**

1.1      NATURAL RESOURCES WALES: Given the scale of the proposed development (and in the absence of a flood consequence assessment) we consider that risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development.

### **2.      INTERNAL COUNCIL ADVICE**

2.1      None.

### **3.      REPRESENTATIONS**

3.1      NEIGHBOURS: All properties with a common boundary were consulted (two addresses). No representations received.

3.2      ROGERSTONE COMMUNITY COUNCIL: No representations received.

3.3      SITE NOTICE (displayed 20 August 2015): No representations received.

### **4.      RELEVANT SITE HISTORY**

4.1      None.

### **5.      ASSESSMENT**

5.1      This application seeks permission for the increase in roof height of the industrial unit to allow for the installation of insulation. The unit is located within Tregwilym Industrial Estate in the Rogerstone Ward.

5.2      It is proposed to install the insulation above the existing roof covering of the industrial unit. This would result in the roof height of the unit increasing by 0.26 metres. The insulation would follow the roof line of the existing unit.

5.3      Policies GP2 (General Amenity) and GP6 (Quality of Design) of the Newport Local Development Plan 2011-2026 (Adopted January 2015) are relevant to the determination of this application.

5.4      The insulation would be a profiled steel cladding sheet coloured 'Goosewing Grey' and have a leather grain finish. It is considered that the proposed materials would not appear incongruous and would be in keeping with the industrial character of the immediate area.

5.5      The site is located within flood zone C2. Natural Resources Wales has commented that; "Given the scale of the proposed development... the risk could be acceptable subject to the developer being made aware of the potential flood risks, and advised to install flood-proofing measures as part of the development."

5.6 Given that the development involves insulation being installed to the roof and no other alterations are proposed, the proposal would not have an impact on flood risk.

## **6. OTHER CONSIDERATIONS**

### **6.1 *Crime and Disorder Act 1998***

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

### **6.2 *Equality Act 2010***

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

6.3 Having due regard to advancing equality involves:

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

6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## **7. CONCLUSION**

7.1 It is concluded that given the scale and location of the proposed development, it would not have an unacceptable impact in terms of visual amenity or flood risk.

## **8. DECISION**

### **GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents: Proposed Elevations and Proposed Cross Section and Roof 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 GP2 and GP6 were relevant to the determination of this application.

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

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**APPLICATION DETAILS**

**No:29**            **15/0876**            **Ward:**            **STOW HILL**

**Type:**            **FULL**

**Expiry Date:** **29-OCT-2015**

**Applicant:**    **TGI FRIDAY'S UK LTD**

**Site:**            **PLOT R6 NEWPORT CITY CENTRE REDEVELOPMENT SITE, KINGSWAY, NEWPORT**

**Proposal:**    **INSTALLATION OF SHOPFRONT**

**DECISION**    **GRANTED WITH CONDITIONS**

**1. CONSULTATIONS**

1.1 NEWPORT ACCESS GROUP: No response.

**2. INTERNAL COUNCIL ADVICE**

2.1 No internal Council advice was sought.

**3. REPRESENTATIONS**

3.1 NEIGHBOURS: None

3.2 SITE NOTICE: Posted 31<sup>st</sup> July 2015.

**4. RELEVANT SITE HISTORY**

15/0877	INSTALLATION OF 2NO. INTERNALLY ILLUMINATED FASCIA SIGNS	On this agenda
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**5. ASSESSMENT**

5.1 This application seeks planning permission for the installation of a shopfront to the site of the future TGI Friday restaurant, Friars Walk, Newport.

5.2 The unit in question would be located within the Usk Plaza section of the development, which comprises a cluster of restaurants at the lower ground floor level (below John Frost Square). As a result of the design of Usk Plaza, the unit has a curved front elevation.

5.3 The shopfront would be constructed of powder coated aluminium finished in black. The shopfront would have a total height of 2.99m and be recessed slightly back from the overhanging John Frost Square above. It would primarily consist of numerous glazed panels with transom bars and a double entrance door to the right hand side and a secondary single door to the left hand side. An illuminated aluminium portico style feature is proposed to surround the main entrance to the unit, which would be coloured red and would help to identify the entrance to the unit.

5.4 Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015) are of relevance to the determination of this application.

5.5 The slim frames and large areas of glazing proposed are considered to be in keeping with the design of Friars Walk and the individual units in the Usk Plaza area. It is also considered that the shopfront would be of high quality, durable materials which would provide an acceptable appearance to the unit within the street scene. Given the nature of the development, it is not considered that the proposal would have a detrimental impact on amenity.

**6. OTHER CONSIDERATIONS**

6.1 **Crime and Disorder Act 1998**

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

## 6.2 **Equality Act 2010**

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

## 6.3 Having due regard to advancing equality involves:

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

## 6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## 7. **CONCLUSION**

### 7.1 Having regard to the aforementioned policies of the Newport Local Development Plan 2011-2026 (Adopted January 2015), it is concluded that the design, appearance and impact of the proposed shopfront would be acceptable. Planning permission is therefore granted with conditions.

## 8. **DECISION**

### GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents; 1017/137/\*, 1017/101/J, 1017/120/A, 1017/121/A, 1017/135/C and Design and Access Statement.

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 GP2 and GP6 were relevant to the determination of this application.

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

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**APPLICATION DETAILS**

**No:30**      **15/0877**      **Ward:**                      **STOW HILL**  
**Type:**                      **ADVERT CONSENT**  
**Expiry Date:** **08-OCT-2015**  
**Applicant:**      **TGI FRIDAY'S UK LTD**  
**Site:**                      **PLOT R6 NEWPORT CITY CENTRE REDEVELOPMENT SITE, KINGSWAY, NEWPORT**  
**Proposal:**      **INSTALLATION OF 2NO. INTERNALLY ILLUMINATED FASCIA SIGNS**

**DECISION**      **GRANTED WITH CONDITIONS**

**1. CONSULTATIONS**

1.1 No external consultation was undertaken.

**2. INTERNAL COUNCIL ADVICE**

2.1 No internal Council advice was sought.

**3. REPRESENTATIONS**

3.1 None.

**4. RELEVANT SITE HISTORY**

15/0876	INSTALLATION OF SHOPFRONT	On this agenda
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**5. ASSESSMENT**

5.1 This application seeks advertisement consent for the installation of 2No internally illuminated fascia signs at the site of the future TGI Friday restaurant, Friars Walk, Newport.

5.2 The first sign would be located above the entrance door to the restaurant and be read horizontally. It would measure 3.32m in width, 0.62m in height and have a depth of 0.12m from the shopfront. It would consist of individual polished stainless steel open faced illuminated letters fixed to the glazing.

5.3 The second advert would be sited to the left hand side of the shopfront, fixed to the gazing, atop a mesh support and would be read vertically to the shopfront. The advert itself would measure 2.43m in height, 0.46m in width and 0.12m in depth and would comprise the same construction and appearance as the aforementioned sign.

5.4 Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015) as well as Technical Advice Note (TAN) 7 (Outdoor advertisement control) are of relevance to the determination of this application. TAN 7 states that applications for advertisement consent can only consider amenity and public safety.

5.5 It is considered that the adverts would be suitably scaled in relation to the host building and would represent a high quality appearance on the shopfront. Given that they are within the City Centre in a commercial area, it is not considered that the signage by reason of its size or illumination would have a detrimental impact on amenity. There would be sufficient distance between the proposed signage and the adjacent ground level and they would not protrude excessively from the shopfront. It is therefore considered that the proposed signage would be acceptable in terms of public safety.

**6. OTHER CONSIDERATIONS**

**6.1 Crime and Disorder Act 1998**

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those



functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

**6.2 Equality Act 2010**

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

**6.3 Having due regard to advancing equality involves:**

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

**6.4** The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

**7. CONCLUSION**

**7.1** Having regard to the aforementioned policies of the Newport Local Development Plan 2011-2026 (adopted January 2015) and Technical Advice Note 7, it is concluded that the proposed signage would be acceptable. Advertisement consent is therefore granted with conditions.

**8. DECISION**

**GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents; External signage proposal (rev B, 31/07/2015), 1017/120/A, 1017/121/A and 1017/135/C.

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

*NOTE TO APPLICANT*

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

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## **APPLICATION DETAILS**

**No:31**            **15/0911**            **Ward:**            **STOW HILL**

**Type:**            **FULL**

**Expiry Date:** **06-OCT-2015**

**Applicant:**    **CATHAL O'BYRNE, FUSION DNA**

**Site:**            **PLOT R10 NEWPORT CITY CENTRE REDEVELOPMENT SITE, KINGSWAY, NEWPORT**

**Proposal:**      **INSTALLATION OF SHOPFRONT**

**DECISION**      **GRANTED WITH CONDITIONS**

### **1. CONSULTATIONS**

1.1 NEWPORT ACCESS GROUP: No representations received.

### **2. INTERNAL COUNCIL ADVICE**

2.1 None.

### **3. REPRESENTATIONS**

3.1 SITE NOTICE (displayed 19 August 2015): No representations received.

### **4. RELEVANT SITE HISTORY**

None.

### **5. ASSESSMENT**

5.1 This application seeks permission for the installation of a shopfront at the Gourmet Burger Kitchen restaurant within the Friars Walk development site. The unit is located on Usk Plaza, a section of the development where the restaurant and leisure uses will be based.

5.2 The unit has a slightly curved shopfront which would consist of glazed panels in 'charcoal' powder coated aluminium frames with the entrance door located slightly to the left of the centre of the unit.

5.3 Policies GP2 (General Amenity) and GP6 (Quality of Design) of the Newport Local Development Plan 2011-2026 (Adopted January 2015) are relevant to the determination of this application.

5.4 It is considered that the design of the proposed shopfront sensitively relates to the wider Friars Walk development and replicates the shopfronts of the other units within Usk Plaza. As such, the proposal would be in keeping with the street scene and not have a detrimental impact in terms of visual amenity.

### **6. OTHER CONSIDERATIONS**

#### **6.1 *Crime and Disorder Act 1998***

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

#### **6.2 *Equality Act 2010***

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

6.3 Having due regard to advancing equality involves:

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

6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

**7. CONCLUSION**

7.1 The proposed shopfront would be acceptable in terms of design and amenity. Planning permission is therefore granted with conditions.

**8. DECISION**

**GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents; 135.11/300A.

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 GP2 and GP6 were relevant to the determination of this application.

02 Due to the minor nature of the proposed development (including any demolition) and having regard to the location of the site in relation to sensitive areas, it is considered that the proposals would not have the potential for environmental effects and so did not need to be screened under the Environmental Impact Assessment Regulations.

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## APPLICATION DETAILS

No:32      15/0945      Ward:      **STOW HILL**

Type:      **DISCHARGE CONDITIONS**

Expiry Date: **23-SEP-2015**

Applicant:      **QUEENSBERRY REAL ESTATE**

Site:      **NEWPORT CITY CENTRE REDEVELOPMENT SITE, KINGSWAY, NEWPORT**

Proposal:      **PARTIAL DISCHARGE OF CONDITION 16 (TRAVEL PLAN) OF PLANNING PERMISSION 11/1317 FOR THE DEMOLITION OF EXISTING BUILDINGS, AND REDEVELOPMENT FOR MIXED USE DEVELOPMENT INCLUDING RETAIL (USE CLASS A1), LEISURE / CINEMA (USE CLASS D2), CAFÉS AND RESTAURANTS (USE CLASS A3, EXTENSION TO EXISTING PUBLIC HOUSE (USE CLASS A3), NEW BUS STATION, LANDSCAPING AND ACCESS AND ASSOCIATED CAR PARKING**

**DECISION      APPROVED**

### 1.      **CONSULTATIONS**

1.1      No external consultation was undertaken.

### 2.      **INTERNAL COUNCIL ADVICE**

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

### 3.      **REPRESENTATIONS**

3.1      NEIGHBOURS: This discharge of condition application was treated as a 'subsequent consent' under the EIA Regulations and therefore a press notice to advise of the submission of information against the planning conditions attached to planning permission 11/1317 was published in the South Wales Argus on 14th March 2015. No representations were made.

### 4.      **RELEVANT SITE HISTORY**

11/1317	DEMOLITION OF EXISTING BUILDINGS, AND REDEVELOPMENT FOR MIXED USE DEVELOPMENT INCLUDING RETAIL (USE CLASS A1), LEISURE / CINEMA (USE CLASS D2), CAFÉS AND RESTAURANTS (USE CLASS A3, EXTENSION TO EXISTING PUBLIC HOUSE (USE CLASS A3), NEW BUS STATION, LANDSCAPING AND ACCESS AND ASSOCIATED CAR PARKING	Granted with Conditions
15/0694	PARTIAL DISCHARGE OF CONDITION 16 (TRAVEL PLAN) OF PLANNING PERMISSION 11/1317 FOR THE DEMOLITION OF EXISTING BUILDINGS, AND REDEVELOPMENT FOR MIXED USE DEVELOPMENT INCLUDING RETAIL (USE CLASS A1), LEISURE / CINEMA (USE CLASS D2), CAFES AND RESTAURANTS (USE CLASS A3, EXTENSION TO EXISTING PUBLIC HOUSE (USE CLASS A3), NEW BUS STATION, LANDSCAPING AND ACCESS AND ASSOCIATED CAR PARKING	Withdrawn

### 5.      **ASSESSMENT**

5.1      This application seeks to partially discharge condition 16 of planning permission 11/1317, as referenced above, for the development of Friars Walk, Newport.

5.2      Condition 16 relates to a Travel Plan and states;

*“Prior to the first occupation of any unit hereby approved a Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel 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”.*

5.3 A travel plan has been submitted by the developer of the Friars Walk scheme. As is shown in the site history above, an application was previously submitted to discharge this condition, although it was subsequently withdrawn when this application was submitted. The relevant Streetscene officer has previously commented on the initial Travel Plan and suggested a number of amendments. An amended Travel Plan was submitted under this application which incorporated all of the suggested amendments.

5.4 Whilst no response has been received to this application from the relevant Streetscene Officer, it is considered that the amended Travel Plan is acceptable as it addresses all of the issues previously raised. There were also issues raised, such as location of cycle storage and taxi drop off areas, although these have already been approved.

## **6. OTHER CONSIDERATIONS**

### **6.1 *Crime and Disorder Act 1998***

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

### **6.2 *Equality Act 2010***

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

6.3 Having due regard to advancing equality involves:

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

6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## **7. CONCLUSION**

7.1 The information submitted is concluded to be acceptable. This application is therefore approved.

## **8. DECISION**

APPROVED

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: Travel Plan (version 2 – 29/07/2015) and annotated of Travel Plan comments.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

03 Consideration of this subsequent consent did not raise significant additional environmental matters over and above those previously considered as part of the original application, which was subject to an ES. It is therefore considered that the proposals do not need to be screened under the Environmental Impact Assessment Regulations.

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**APPLICATION DETAILS**

**No:33            15/1018            Ward:                    STOW HILL**

**Type:                DISCHARGE CONDITIONS**

**Expiry Date: 07-OCT-2015**

**Applicant:        TGI FRIDAY'S UK LTD**

**Site:                UNIT 61 FRIARS WALK SHOPPING CENTRE, USK PLAZA, NEWPORT**

**Proposal:        PARTIAL DISCHARGE OF CONDITION 22 (DEMARCATIION OF EXTERNAL SEATING AREA – TGI) OF PLANNING PERMISSION 11/1317 FOR DEMOLITION OF EXISTING BUILDINGS, AND REDEVELOPMENT FOR MIXED USE DEVELOPMENT INCLUDING RETAIL (USE CLASS A1), LEISURE / CINEMA (USE CLASS D2), CAFÉS AND RESTAURANTS (USE CLASS A3, EXTENSION TO EXISTING PUBLIC HOUSE (USE CLASS A3), NEW BUS STATION, LANDSCAPING AND ACCESS AND ASSOCIATED CAR PARKING**

**DECISION        APPROVED**

**1.        CONSULTATIONS**

1.1        NEWPORT ACCESS GROUP: No response.

**2.        INTERNAL COUNCIL ADVICE**

2.1        No internal Council advice was sought.

**3.        REPRESENTATIONS**

3.1        NEIGHBOURS: This discharge of condition application was treated as a ‘subsequent consent’ under the EIA Regulations and therefore a press notice to advise of the submission of information against the planning conditions attached to planning permission 11/1317 was published in the South Wales Argus on 14th March 2015. No representations were made.

**4.        RELEVANT SITE HISTORY**

11/1317	DEMOLITION OF EXISTING BUILDINGS, AND REDEVELOPMENT FOR MIXED USE DEVELOPMENT INCLUDING RETAIL (USE CLASS A1), LEISURE / CINEMA (USE CLASS D2), CAFÉS AND RESTAURANTS (USE CLASS A3, EXTENSION TO EXISTING PUBLIC HOUSE (USE CLASS A3), NEW BUS STATION, LANDSCAPING AND ACCESS AND ASSOCIATED CAR PARKING	Granted with Conditions
15/0877	INSTALLATION OF 2NO. INTERNALLY ILLUMINATED FASCIA SIGNS	On this agenda
15/0876	INSTALLATION OF SHOPFRONT	On this agenda

**5.        ASSESSMENT**

5.1        This application seeks to partially discharge condition 22 of planning permission 11/1317, as referenced above. This application relates to the future TGI Friday restaurant.

5.2        Condition 22 relates to the demarcation of external seating areas and states;  
*“Prior to first use of any A3 use (as defined under the Town and Country Planning (Use Classes) Order 1987 as applicable to Wales on the date of this planning permission) involving the use of external seating areas, details of measures to demarcate such seating areas shall be submitted to and approved in writing by the Local Planning Authority. Such seating areas shall thereafter be located and demarcated in accordance with the approved details.  
Reason: In the interests of the safety of people with sight or sensory impairments”.*

- 5.3 Drawings have been provided to show that the external seating areas will be demarcated by horizontally clad timber screens (with built up lettering and random coloured panels) which would be 1m high, a maximum of 4m out from the shopfront. These would separate the al fresco dining areas from the public realm and pedestrian walkways.
- 5.4 No response has been received from Newport Access Group. In the absence of an objection, it is considered that the demarcation proposed would be acceptable as they resemble the standard demarcation methods used at a number of restaurants throughout the UK and elsewhere within Friars Walk. There would also be ample circulation space around the restaurant and within Usk Plaza.

## **6. OTHER CONSIDERATIONS**

### **6.1 *Crime and Disorder Act 1998***

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

### **6.2 *Equality Act 2010***

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

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

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

### **6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.**

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## **7. CONCLUSION**

- 7.1 The details provided are concluded to be acceptable. This application is therefore approved.

## **8. DECISION**

APPROVED

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: 1017/135/C.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

03 Consideration of this subsequent consent did not raise significant additional environmental matters over and above those previously considered as part of the original



application, which was subject to an ES. It is therefore considered that the proposals do not need to be screened under the Environmental Impact Assessment Regulations.

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## **APPLICATION DETAILS**

**No:34**      **15/1030**      **Ward:**      **STOW HILL**

**Type:**      **ADVERT CONSENT**

**Expiry Date:** **12-OCT-2015**

**Applicant:**      **CHRIS RIMMER, ARCADIA GROUP LTD**

**Site:**      **PLOT MSU02 NEWPORT CITY CENTRE REDEVELOPMENT SITE, KINGSWAY, NEWPORT**

**Proposal:**      **DISPLAY OF 2NO. ILLUMINATED FASCIA SIGNS AND 2NO.PROJECTING SIGNS**

## **DECISION GRANTED WITH CONDITIONS**

### **1. CONSULTATIONS**

1.1 None.

### **2. INTERNAL COUNCIL ADVICE**

2.1 None.

### **3. REPRESENTATIONS**

3.1 None.

### **4. RELEVANT SITE HISTORY**

None.

### **5. ASSESSMENT**

5.1 This application seeks consent for the display of 2 no. internally illuminated fascia signs and 2no. internally illuminated projecting signs at the retail unit within the Friars Walk development site.

5.2 The proposed fascia signs would be located 5.2 metres above ground level, measure 0.54 in height and 3.57 metres wide. They would project a maximum of 0.07 metres from the front elevation of the unit. They would consist of black vinyl on an opal acrylic letter. The letters would be internally illuminated to a level of 350 candelas per metre.

5.3 The proposed projecting signs would be 3.6 metres above ground level, measure 0.6 metres in height, 0.8 metres in width and project a maximum of 1 metre from the front elevation of the unit. The advertisement would consist of satin white folded aluminium with opal letters with black vinyl faces. They would be internally illuminated to a level of 350 candelas per metre.

5.4 Policies GP2 (General Amenity) and GP6 (Quality of Design) of the Newport local Development Plan 2011-2026 (Adopted January 2015) as well as Technical Advice Note (TAN) 7 (Outdoor Advertisement Control) are relevant to the determination of this application. TAN 7 states that applications for advertisement consent can only consider amenity and public safety.

5.5 Due to the scale, appearance and location of the advertisements, it is considered that the proposals would not have an adverse impact on amenity or public safety.

### **6. OTHER CONSIDERATIONS**

#### **6.1 *Crime and Disorder Act 1998***

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

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

6.2 ***Equality Act 2010***

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

6.3 Having due regard to advancing equality involves:

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

6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

**7. CONCLUSION**

7.1 It is concluded that the proposed advertisements would be acceptable. Advertisement consent is therefore granted with conditions.

**8. DECISION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Shopfront Elevations and Sections and Signage Elevations and Details.

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 GP2 and GP6 were relevant to the determination of this application.

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## **APPLICATION DETAILS**

**No:35**            **15/0917**            **Ward:**                    **VICTORIA**

**Type:**            **CERTIFICATE OF LAWFUL USE(PROPOSED)**

**Expiry Date:** **20-SEP-2015**

**Applicant:**    **N AKHTER**

**Site:**            **18, MARLBOROUGH ROAD, NEWPORT, NP19 0BX**

**Proposal:**      **CERTIFICATE OF LAWFULNESS FOR PROPOSED DEMOLITION OF EXISTING LEAN-TO AND ERECTION OF SINGLE STOREY REAR EXTENSION**

## **DECISION GRANTED**

### **1. CONSULTATIONS**

1.1 None

### **2. INTERNAL COUNCIL ADVICE**

2.1 None

### **3. REPRESENTATIONS**

3.1 None

### **4. RELEVANT SITE HISTORY**

None

### **5. ASSESSMENT**

5.1 This application seeks to establish whether a single storey extension replacing a storage shed is lawful development at 18 Marlborough Road in the Victoria Ward.

5.2 The property is a mid-terraced domestic dwelling. It is set within a curtilage comprised of a small front yard and private rear domestic garden. A small storage shed has been erected at the rear of the property attached to an existing single storey rear projection (currently housing the kitchen). The proposal is to demolish both the storage shed and existing single storey kitchen extension and to construct a new flat roof extension to provide an extended kitchen and ground floor bathroom at the property.

5.3 The proposed rear extension would have a depth of 3.95 metres from the rear of the existing house (the rear of the existing kitchen extension). It would span a width of 3.5 metres and would adjoin a similar proposed extension at the adjacent neighbouring property of 20 Marlborough Road. The roof height would be 2.85 metres.

5.4 Schedule 2, Part 1, Class A of the General Permitted Development Order (GPDO) 1995 (as amended) outlines the limitations of development that can be undertaken to dwelling houses without the need for formal planning permission. Class A limits rear extensions to dwelling houses to not exceed a depth of 4 metres from the rear of the original house and to not exceed 4 metres in height overall (or 3 metres to the eaves if within 2 metres of a boundary). The proposed extension in this case does not exceed any of the defined limits within Class A of the GPDO. The total depth of the proposed flat roof extension would be 7.75 metres, but 3.75 metres of this would have been taken up by the existing kitchen extension that is thought, in all probabilities, to be an original feature of the property. The majority of unaltered properties along the row of terraces all have existing rear pitched roof kitchen extensions of the same design as nos. 18 and 20 Marlborough Road. There are no known restrictions to permitted development rights for the property so it is considered that the proposal is lawful development and does not require planning permission.

### **6. OTHER CONSIDERATIONS**

6.1 ***Crime and Disorder Act 1998***

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

## 6.2 **Equality Act 2010**

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

## 6.3 Having due regard to advancing equality involves:

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

## 6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## 7. **CONCLUSION**

### 7.1 The proposed rear extension does not exceed any of the limitations set out in Part 1, Class A of the General Permitted Development Order 1995 (as amended) so is considered to be permitted development and does not require planning permission.

## 8. **DECISION**

GRANTED

01 The proposed rear extension does not exceed any of the limitations set out in Part 1, Class A of the General Permitted Development Order 1995 (as amended) so is considered to be permitted development and does not require planning permission.

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: 1018(01)15 Rev.A – Proposed Block Plan; 1018(03)15 Rev.A – Proposals; 1018(02)15 – Existing.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies 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.

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## **APPLICATION DETAILS**

**No:36**      **15/0918**      **Ward:**                      **VICTORIA**

**Type:**                      **CERTIFICATE OF LAWFUL USE(PROPOSED)**

**Expiry Date:** **20-SEP-2015**

**Applicant:**      **S ALI**

**Site:**                      **20, MARLBOROUGH ROAD, NEWPORT, NP19 0BX**

**Proposal:**      **CERTIFICATE OF LAWFULNESS FOR PROPOSED DEMOLITION OF EXISTING LEAN-TO AND ERECTION OF SINGLE STOREY REAR EXTENSION**

**DECISION**      **GRANTED**

### **1. CONSULTATIONS**

1.1 None

### **2. INTERNAL COUNCIL ADVICE**

2.1 None

### **3. REPRESENTATIONS**

3.1 None

### **4. RELEVANT SITE HISTORY**

None

### **5. ASSESSMENT**

- 5.1 This application seeks to establish whether a single storey extension replacing a storage shed is lawful development at 20 Marlborough Road in the Victoria Ward.
- 5.2 The property is a mid-terraced domestic dwelling. It is set within a curtilage comprised of a small front yard and private rear domestic garden. A WC and utility room extension has been erected at the rear of the property attached to an existing single storey rear projection (currently housing the kitchen). The proposal is to demolish both the utility room extension and existing kitchen and to construct a new flat roof extension to provide an extended kitchen and ground floor bathroom at the property.
- 5.3 The proposed rear extension would have a depth of 3.95 metres from the rear of the existing house (the rear of the existing kitchen extension). It would span a width of 3.5 metres and would adjoin a similar proposed extension at the adjacent neighbouring property of 18 Marlborough Road. The roof height would be 2.85 metres.
- 5.4 Schedule 2, Part 1, Class A of the General Permitted Development Order (GPDO) 1995 (as amended) outlines the limitations of development that can be undertaken to dwelling houses without the need for formal planning permission. Class A limits rear extensions to dwelling houses to not exceed a depth of 4 metres from the rear of the original house and to not exceed 4 metres in height overall (or 3 metres to the eaves if within 2 metres of a boundary). The proposed extension in this case does not exceed any of the defined limits within Class A of the GPDO. The total depth of the proposed flat roof extension would be 7.75 metres, but 3.75 metres of this would have been taken up by the existing kitchen extension that is thought, in all probabilities, to be an original feature of the property. The majority of unaltered properties along the row of terraces all have existing rear pitched roof kitchen extensions of the same design as nos. 18 and 20 Marlborough Road. There are no known restrictions to permitted development rights for the

property so it is considered that the proposal is lawful development and does not require planning permission.

## **6. OTHER CONSIDERATIONS**

### **6.1 *Crime and Disorder Act 1998***

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

### **6.2 *Equality Act 2010***

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

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

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

### **6.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.**

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

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## **7. CONCLUSION**

### **7.1 The proposed rear extension does not exceed any of the limitations set out in Part 1, Class A of the General Permitted Development Order 1995 (as amended) so is considered to be permitted development and does not require planning permission.**

## **8. DECISION**

GRANTED

01 The proposed rear extension does not exceed any of the limitations set out in Part 1, Class A of the General Permitted Development Order 1995 (as amended) so is considered to be permitted development and does not require planning permission.

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: 1018(01)15 Rev.A – Proposed Block Plan; 1018(03)15 Rev.A – Proposals; 1018(02)15 – Existing.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies 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.

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***BEVERLY OWEN***

***HEAD OF REGENERATION, INVESTMENT AND HOUSING***