

Agenda



Planning Committee

Date: Wednesday, 3 June 2020

NB: Please click on the link to view [the Planning Code of Practice](#):-

Item	Wards Affected
1. <u>Development Management: Planning Application Schedule</u> (Pages 3 - 146)	

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Date of Issue: Wednesday, 3 June 2020

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Report

Delegated

Head of Regeneration and Housing Decision taken under delegated powers during lockdown in consultation with the Chair of Planning – no public meeting has taken place

Part 1

Date: 3rd June 2020

Subject Planning Decision Schedule

Purpose To record decisions made on Planning Applications

Author The Acting Head of Regeneration, Investment and Housing

Ward As indicated on the schedule

Summary In consultation with the Chair or Deputy Chair of Planning Committee, the Acting Head of Regeneration, Investment and Housing has delegated powers to determine planning applications previously determined by Planning Committee. The schedule attached details decisions made on 3rd June 2020.

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 note Decisions as shown on the attached schedule

Action by Development and Regeneration Manager

Timetable Immediate

This report was prepared after consultation with:

- Local Residents
- Members

- Statutory Consultees

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

Background

This report details planning decisions already taken in consultation with the Chair or Deputy Chair of Planning Committee in relation to applications ordinarily decided by Planning Committee and is provided for information purposes only. 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, or against the imposition of planning conditions. There is no third party right of appeal against a decision.

Work is carried out by existing staff and there are no staffing issues. It is sometimes necessary to employ a Barrister to act on the Council's behalf in defending decisions at planning appeals. This cost is met by existing budgets.

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

Financial Summary

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

Risks

Three main risks are identified in relating to the determination of planning applications: 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. Some applications, for example those which require a Section 106 agreement, are unlikely to be determined within the statutory time period. Appeals against non-determination are rare due to the further delay in receiving an appeal decision: it is generally quicker for applicants to wait for the Planning Authority to determine the application. Costs could only be awarded against the Council if it is found to have acted unreasonably. Determination of an application would only be delayed for good reason, such as resolving an objection or negotiating improvements or Section 106 contributions, and so the risk of a costs award is low.

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

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

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

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

The Council's Corporate Plan 2017-2022 identifies four themes, including the aim to be a Thriving City. In order to achieve this, the Council is committed to improving:

- jobs and the economy
- education and skills
- fairness and equality
- community safety and cohesion
- the environment, transport, culture and social well-being

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 contains well-being objectives, which contribute to the achievement of the objectives contained in the Well-being plan. The Corporate Plan also links to other strategies and plans, the main ones being:

- Newport's Well-Being Plan 2018-2023;
- Local Development Plan 2011-2026 (Adopted January 2015);

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

Options Available and considered

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 under delegated powers.

Comments of Head of People and Business Change

Within each report the sustainable development principle (long term, prevention, integration collaboration and involvement) of the Well-being of Future Generations (Wales) Act has been fully considered.

From an HR perspective there are no staffing issues to consider.

Comments of Chair of Planning Committee

The Chair or Deputy Chair of Planning Committee has been consulted on the decisions made and recorded in this report.

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

Scrutiny Committees

None

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

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

Wellbeing of Future Generations (Wales) Act 2015

The Well-being and Future Generations (Wales) Act seeks to improve the social, economic environmental and cultural well-being of Wales. Public bodies should ensure that decisions take into account the impact they could have on people living in Wales, in the future. The 5 main considerations are:

- Long term: Decisions made balance the need to improve the appearance of areas as well as meeting the needs of residents in order to make places safe to live in and encourage investment and employment opportunities. Planning decisions aim to build sustainable and cohesive communities.
- Prevention: Sound planning decisions remove the opportunity for anti-social behaviour and encourages a greater sense of pride in the local area, thereby giving the City potential to grow and become more sustainable.
- Integration: Through consultation with residents and statutory consultees, there is an opportunity to contribute views and opinions on how communities grow and develop, thereby promoting greater community involvement

and integration. Planning decisions aim to build integrated and cohesive communities.

Collaboration: Consultation with statutory consultees encourages decisions to be made which align with other relevant well-being objectives.

Involvement: Planning applications are subject to consultation and are regulated by legislation. Consultation is targeted at residents and businesses directly affected by a development, ward members and technical consultees. Engagement with the planning process is encouraged in order to ensure that the views of key stakeholders are taken into consideration.

Decisions made are in line with the Well-being objectives published in the Newport Well-Being Plan in May 2018. Specifically, Objective 4 (Newport has healthy, safe and resilient environments) which aligns with the adopted Newport Local Development Plan (2011-2026) and seeks to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

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. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the consultation of these guidance documents.

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 10 (December 2018)

Development Management Manual 2016

Welsh National Marine Plan November 2019

PPW Technical Advice Notes (TAN):

TAN 1: Joint Housing Land Availability Studies (2015)

TAN 2: Planning and Affordable Housing (2006)

TAN 3: Simplified Planning Zones (1996)

TAN 4: Retailing and Commercial Development (2016)

TAN 5: Nature Conservation and Planning (2009)

TAN 6: Planning for Sustainable Rural Communities (2010)

TAN 7: Outdoor Advertisement Control (1996)

TAN 8: Renewable Energy (2005)

TAN 10: Tree Preservation Orders (1997)

TAN 11: Noise (1997)

TAN 12: Design (2016)

TAN 13: Tourism (1997)

TAN 14: Coastal Planning (1998)

TAN 15: Development and Flood Risk (2004)

TAN 16: Sport, Recreation and Open Space (2009)
TAN 18: Transport (2007)
TAN 19: Telecommunications (2002)
TAN 20: Planning and The Welsh Language (2017)
TAN 21: Waste (2014)
TAN 23: Economic Development (2014)
TAN 24: The Historic Environment (2017)

Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)
Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)

Welsh Government Circular 016/2014 on planning conditions

LOCAL POLICY

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

Supplementary Planning Guidance (SPG):

Affordable Housing (adopted August 2015)
Archaeology & Archaeologically Sensitive Areas (adopted August 2015)
Flat Conversions (adopted August 2015) (updated January 2020)
House Extensions and Domestic Outbuildings (adopted August 2015) (updated January 2020)
Houses in Multiple Occupation (HMOs) (adopted August 2015) (updated January 2017)
New dwellings (adopted August 2015) (updated January 2020)
Parking Standards (adopted August 2015)
Planning Obligations (adopted August 2015) (updated January 2020)
Security Measures for Shop Fronts and Commercial Premises (adopted August 2015)
Wildlife and Development (adopted August 2015)
Mineral Safeguarding (adopted January 2017)
Outdoor Play Space (adopted January 2017)
Trees, Woodland, Hedgerows and Development Sites (adopted January 2017)
Air Quality (adopted February 2018)
Waste Storage and Collection (adopted January 2020)

OTHER

“Newport City Council Retail Study by Nexus Planning (September 2019) “ is not adopted policy but is a material consideration in making planning decisions.

The Economic Development Strategy is a material planning consideration.

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

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

1.

APPLICATION DETAILS

No: 19/0834 **Ward:** Stow Hill

Type: Full Application

Expiry Date: 22nd June 2020

Applicant: *Andrew Herrington*

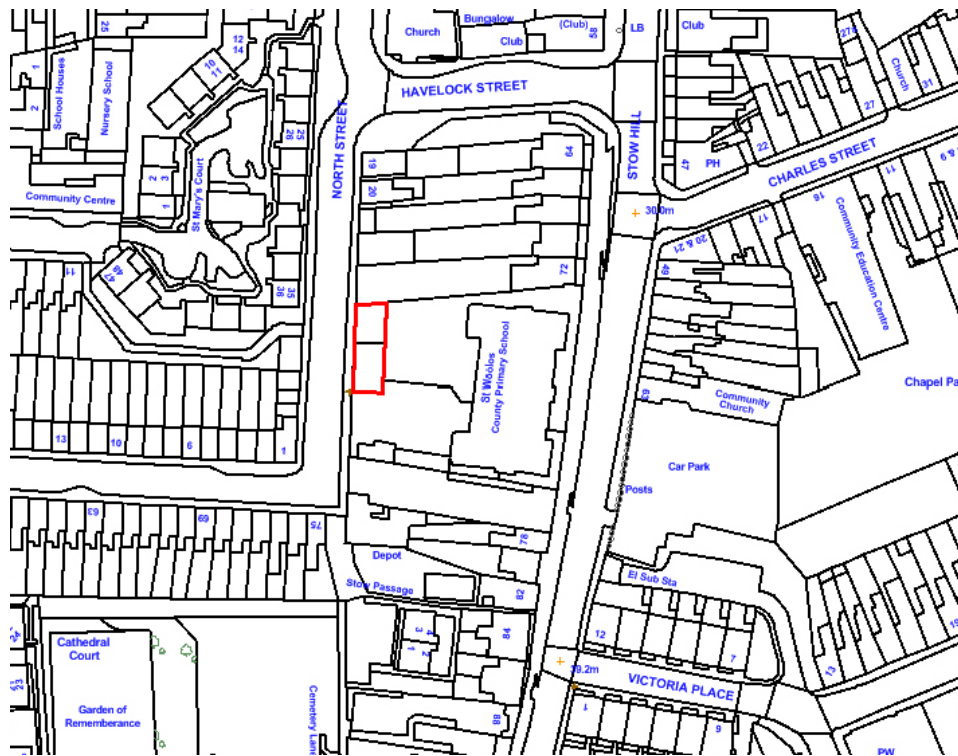
Site: *St Woolos Junior And Infant School Stow Hill Newport NP20 4DW*

Proposal: ***CHANGE OF USE FROM BOXING CLUB AND INTERNAL AND EXTERNAL REFURBISHMENT AND ALTERATIONS TO PROVIDE AN EDUCATIONAL DINING FACILITY***

Recommendation: **SEEK DELEGATED POWERS FOR THE HEAD OF SERVICE TO APPROVE THE APPLICATION IN THE EVENT THAT IT IS DEMONSTRATED THAT NO BATS WERE FOUND TO BE USING THE BUILDING.**

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the change of use of a former boxing club, which is located within the grounds of St Woolos Primary School, to a school dining room and community facility.
- 1.2 The building is a curtilage building to the main school which is grade II listed. A Listed Building Consent application has been granted by the Welsh Government in February 2020.



1.3 This application is brought before Planning Committee as it relates to a Council owned property.

2. RELEVANT SITE HISTORY

07/1400	REMOVAL OF WINDOW AND CREATION OF ENLARGED OPENING TO PROVIDE A DOORWAY AND ERECTION OF GLAZED CANOPY	Granted with conditions
08/0768	DISCHARGE OF CONDITIONS 2 (MASONRY WORK), 3 (EXTERNAL JOINERY AND CANOPY COLOUR) AND 4 (JOINERY DETAILS) OF LISTED BUILDING CONSENT 07/1310 FOR THE REMOVAL OF WINDOW AND CREATION OF ENLARGED OPENING TO PROVIDE A DOORWAY AND ERECTION OF GLAZED CANOPY	Approved
11/0822	INSTALLATION OF FLAG WITH FLAGPOLE	Granted
18/1182	NEW GATE TO THE FRONT OF THE SCHOOL	Granted with conditions
qA1404256	LISTED BUILDING CONSENT FOR THE REFURBISHMENT OF ANNEXE BUILDING TO PROVIDE DINING AND COMMUNITY FACILITIES	Granted with conditions

3. POLICY CONTEXT

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

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

Policy **SP2 Health** promotes development which has a positive contribution to health and well-being by being in a sustainable location, close to walking/cycling routes and green infrastructure.

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

Policy **SP12 Community Facilities** promotes development of new community facilities such as places of worship, cemeteries, health centres, nurseries, museums, public halls, cinemas, concert halls, allotments, leisure use etc. Development that affects existing community facilities should be designed to retain or enhance essential facilities.

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

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

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

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

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

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

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

Policy **CF12 Protection of Existing Community Facilities** resists the loss of existing community buildings unless alternative provision is made or it is demonstrated that the building is surplus to the needs of the community.

4. CONSULTATIONS

4.1 None

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF LAW AND REGULATION (ENV. HEALTH): No objection subject to conditions requiring construction dust is adequately mitigated and restrictions on construction hours.

5.2 HEAD OF CITY SERVICES (HIGHWAYS): No objection.

5.3 HEAD OF CITY SERVICES (ECOLOGY): The preliminary bat roost assessment meets good practice guidelines; the survey has identified potential for bats in the building and recommends further surveys to establish presence or likely absence, in accordance with good practice guidelines.

5.4 HISTORIC BUILDINGS AND CONSERVATION OFFICER: No response.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties sharing a common boundary and opposite the application site were consulted (22 properties), a site notice displayed and a press notice published in South Wales Argus.No responses.

7. ASSESSMENT

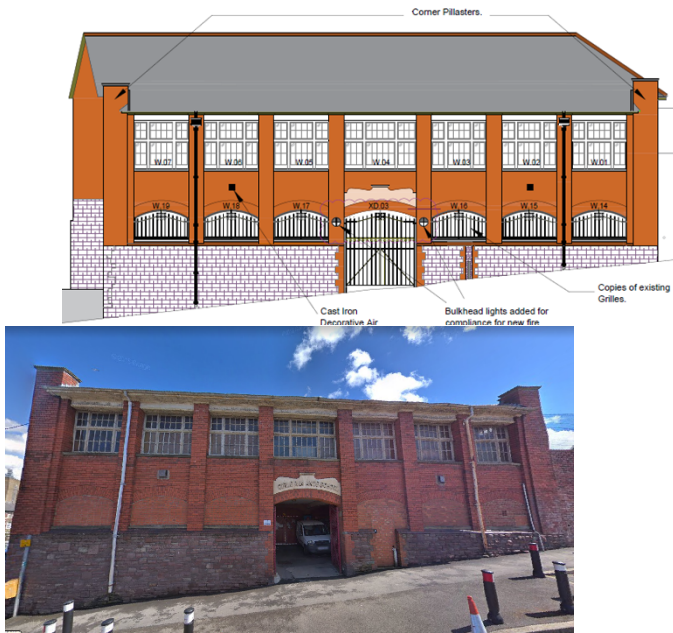
7.1 The proposals involve a number of internal alterations and these have been granted through the Listed Building Consent. This application deals solely with external alterations and the change of use.

7.2 The proposals

7.2.1 The existing building is two storey's and forms the edge of the pavement on North Street. There is a gated entrance through the ground floor of the building to the lower half of the school playground. There are a number of external alterations proposed to the elevations of the building as follows:

7.2.2 West elevation (facing North Street):

- Remove mesh grilles covering the first floor windows;
- Patch up plinth level reclaimed stone and bricks to match the existing;
- Insert two cast iron decorative air ventilation bricks where old gas fire heater flues have been removed;
- Install powder coated Aluminium guttering throughout to match main school building;
- Install powder coated cast aluminium downpipes, brackets and shoes throughout to match main school building;
- Install red clay ridge tiles and natural slates to the entire roof.



7.2.3 East elevation (facing into the school):

- Removal of metal fire escape to first floor;
- Install three sets of three conservation rooflights;
- Replace existing first floor crittal window with new timber window;
- Install new windows and doors in the ground floor;
- Install a glass screen to the first floor door;
- Install cladding around existing chiney flue.





7.2.4 South elevation (facing towards the school palyground):

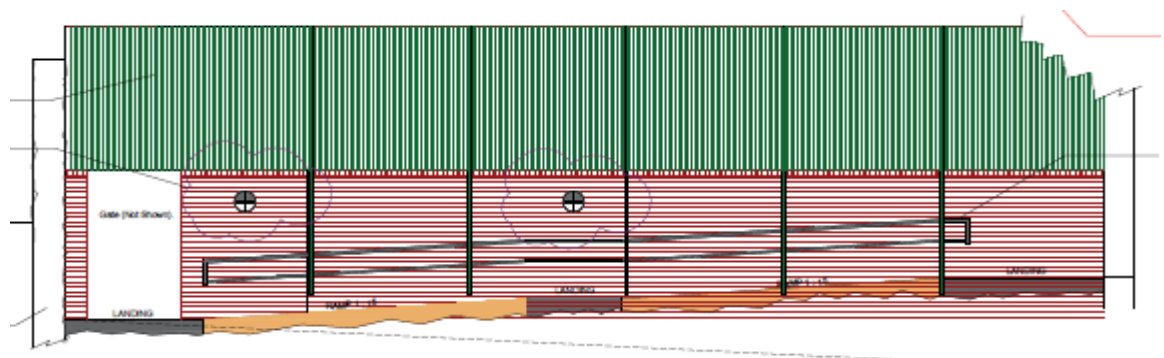
- Replace a window with timber louvres to provide ventilation for the kitchen and toilet;
- Install two bulkhead lights;
- Install a new down pipe;
- Install a new door into existing opening.



7.2.5 No alterations are proposed to the north elevation (facing towards the rear of no. 72 Stow Hill).

7.2.6 It is proposed to retain the boiler room and bin stores on the ground floor, but to replace existing storage rooms with girls and boys toilets and a staircase to the first floor. The first floor currently has a changing room, showers and an open plan floor space. It is proposed to install a kitchen, accessible toilet and dining hall.

7.2.7 It is also proposed to alter the arrangement of the upper playground to the south-west corner of the school site. At present, access to the yard is gained from North Street via a gated entrance and four steps. This entrance creates difficulties for less able visitors and parents collecting pupils with pushchairs. It is proposed to re-landscape this part of the yard and construct a new ramp, which would be DDA compliant and would aid the delivery of food (via trolleys) to be served in the refurbished hall.



7.3 Loss of community facilities

7.3.1 Policy CF12 states that the loss of community facilities will be resisted unless alternative provision is made or it is demonstrated that the building is surplus to the needs of the community. The supporting text to this policy states that there will

be a presumption in favour of the re-use of redundant community buildings in preference to demolition and redevelopment.

7.3.2 The building has been used by a boxing club, which is considered to be a community use, for around 90 years. The club were unable to maintain the building and were unable to afford the costs of essential repairs. The club decided to vacate the building in February 2019 and a new purpose found for it. Welsh Government grant funding has been sought to bring the building back into school use, thereby retaining the building as a community facility and satisfying policy CF12. The provision of dining facilities within the building would release two classroom spaces within the school for teaching purposes and as such enhancing its education provision.

7.4 **Visual and historic impact**

7.4.1 The building forms part of the curtilage of the main school building and therefore forms part of the listing. Listed Building Consent has been granted for the external and internal works by Welsh Government. They determined that the works would not have any significant visual impact on the Grade II Listed structure. The approval was given subject to conditions which include:

- a method statement to include details of roof repairs, breathable paint and the insertion of new double glazing;
- details of external and internal decoration, including RAL colours;
- cross section drawings through existing timber windows where double glazing is proposed;
- 1:10 scale drawing showing the three rooflights;
- ridge tiles to be close butting and red clay tiles to match the existing;
- the roof finish to be Natural Welsh Slate to match existing; and
- rainwater goods to be cast aluminium in matt black paint.

7.4.2 It is not considered necessary to repeat these conditions in the planning permission and it is considered that they provide sufficient control over the precise details and finish of the works to ensure that the proposals would not result in a visual harm or negative impact on the historic asset. It is considered that policies SP9, GP2 and GP6 are satisfied in this respect.

7.5 **General amenity**

7.5.1 There are residential properties to the north, south and west of the application site. The building sits within the existing school complex and it is considered that its re-use for school purposes would be no more harmful to residential amenity than the previous boxing club use. The Councils Environmental Health Officer has no objection to the proposals. Conditions are recommended to restrict construction and working hours; and to control dust generation. These conditions are not considered necessary as these matters are better controlled under the Environmental Protection Act 1990.

7.6 **Highways**

7.6.1 The application site is located within Parking Zone 2. The Parking Standards SPG requires 1 commercial space and 1 space per 2 facility users. As the boxing club use has ceased it is not known how many users of the facility there were. It is also not known what parking arrangements were provided for the facility, if any. However, the proposed use by the existing school does not generate any additional parking demand and as such it is considered that there would be no harm to

highway or pedestrian safety. The Councils Highways Officer has no objection on this basis.

7.7 **Protected species**

7.7.1 A Preliminary Bat Roost Assessment was carried out in November 2019. The assessment concluded that the building has a moderate likelihood of supporting roosting bats. The assessment recommended that two dusk emergence/dawn re-entrance surveys are carried out between May and September. Those surveys have now been undertaken and it has been verably reported that the survey's found that no bats were using the building. However, the bat survey has not been formally submitted and as such it is the Officers recommendation that, if Committee are satisfied that they could approve the development in principle, they should defer authority to officers to grant the application following the formal submission of the bat survey, which demonstrates that the building is not being used by bats. In the instance that the bat survey does show evidence of bat use, the application would be brought back to the next available committee for determination.

7.8 **Archaeology**

7.8.1 The application site is located within an Archaeologically Sensitive Area however, the proposal does not involve any below ground works and as such there would not be the potential for disturbance to any archaeological resource.

8. **OTHER CONSIDERATIONS**

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

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

8.2 ***Equality Act 2010***

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

8.7 Newport's Well-Being Plan 2018-23

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

9. CONCLUSION

9.1 The proposed development is considered to be acceptable and in accordance with policies SP1, SP2, SP9, SP12, GP2, GP4, GP5, GP6, GP7, CE6, T4 and CF12 of the Newport Local Development Plan 2011-2026. The proposal is considered to not result in a harmful impact on visual or residential amenity. The proposals would protect the historic setting of the listed building and it would continue to provide a community facility to the local area. It is recommended the planning permission is granted with conditions.

10. RECOMMENDATION

SEEK DELEGATED POWERS FOR THE HEAD OF SERVICE TO APPROVE THE APPLICATION IN THE EVENT THAT IT IS DEMONSTRATED THAT NO BATS WERE FOUND TO BE USING THE BUILDING.

01 The development shall be implemented in accordance with the following plans and documents: NPS-DR-A-(**)-002 P1, NPS-DR-A-(**)-003 P2, NPS-DR-A-(**)-004 P2, NPS-DR-A-(**)-005 P2, NPS-DR-A-(**)-006 P2, NPS-DR-A-(**)-007 P2, NPS-DR-A-(**)-008 P2, NPS-DR-A-(**)-009 P1, NPS-DR-A-(**)-010 P2 and Heritage Impact Statement (Alwyn Jones, August 2019).

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 SP1, SP2, SP9, SP12, GP2, GP4, GP5, GP6, GP7, CE6, T4 and CF12 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.

2.

APPLICATION DETAILS

No: 19/1228 **Ward:** STOW HILL

Type: FULL (MAJOR)

Expiry Date: 6th June 2020

Applicant: C SPITERI

Site: LAND ENCOMPASSING 133 TO 135, COMMERCIAL STREET, NEWPORT

Proposal: PROPOSED MIXED USE DEVELOPMENT AT 133-135 COMMERCIAL STREET, PARTIAL DEMOLITION OF GROUND, FIRST AND SECOND FLOOR; RETENTION AND EXTENSION OF EXISTING GROUND FLOOR UNITS; CONVERSION OF REMAINING RETAINED FLOORSPACE FOR RESIDENTIAL USE; ERECTION OF REAR EXTENSION FOR RESIDENTIAL USE; AND GENERAL REFURBISHMENT

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the partial demolition of ground, first and second floor of 133-135 Commercial Street (to the rear) to be replaced by a 5 storey building to the rear of the site to accommodate 22 flats. The flats would occupy the newly constructed building to the rear along with conversion of the upper floors of the existing 3 storey building to the front of the site. The three ground floor uses would be retained but extended to the rear. No parking is proposed.
- 1.2 The site is situated in the commercial city centre of Newport within the urban boundary (as identified within the Adopted LDP). The City Centre location means that the site is within the designated shopping centre and it is also located within an Archaeological Sensitive Area and lies within Zone B Flood Risk Area. This is a Committee application as the works and number of flats proposed means it would be considered a 'Major' planning application.
- 1.3 The primary considerations in this application relate to the principle of a residential use at this location, the design and scale of the proposed building, its impact upon the amenities of any neighbouring residential occupiers and the wider visual amenities of the city centre street scene as well as highway safety and parking implications, ecology, archaeological issues and waste. These matters will be considered in the report below.

2. RELEVANT SITE HISTORY

- 2.1 135 Commercial Street

- 10/0725 CHANGE OF USE FROM RETAIL (USE CLASS A1) TO FINANCIAL AND PROFESSIONAL SERVICES (USE CLASS A2)
Withdrawn 24/08/2010
- 12/0137 PROPOSED CHANGE OF USE FROM A1 USE CLASS (RETAIL) TO A2 USE CLASS (FINANCIAL AND PROFESSIONAL SERVICES)
Refused 05/04/2012
- 12/0583 PROPOSED CHANGE OF USE FROM A1 USE CLASS (RETAIL) TO MIXED A1 USE CLASS (RETAIL) AND A2 USE CLASS (FINANCIAL AND PROFESSIONAL SERVICES, ALTERATIONS TO SHOPFRONT AND TILE CLADDING TO ELEVATIONS (RESUBMISSION FOLLOWING REFUSAL OF 12/0137)
Granted with Conditions 06/09/2012
- 12/0925 INSTALLATION OF 4NO. FASCIA SIGNS, 2NO. PROJECTING SIGNS AND 3NO. INTERNAL WINDOW VINYL SIGNS
Granted 19/12/2012
- 12/0926 INSTALLATION OF NEW SHOPFRONT INCLUDING A NEW SHOPFRONT ON HILL STREET ELEVATION
Granted with Conditions 12/12/2012
- 13/0082 PARTIAL DISCHARGE OF CONDITION 1 OF PLANNING PERMISSION 12/0926
Approved 21/03/2013
- 19/0127 CHANGE OF USE OF GROUND FLOOR FROM MIXED A1/A2 TO SUI GENERIS (BEAUTY CLINIC)
Granted with Conditions 09/05/2019
- 2.2 134 Commercial Street
- 12/0003 RELOCATION OF EXTRACTOR FAN
Refused 30/05/2012
- 2.3 133 Commercial Street
- 15/0379 CHANGE OF USE OF GROUND FLOOR SHOP (USE CLASS A1) TO RESTAURANT AND TAKEAWAY (USE CLASS A3)
Granted with Conditions 02/07/2015
- 19/0105 CHANGE OF USE FROM A1 TO SUI GENERIS (TATTOO STUDIO)
Granted with Conditions 28/03/2019

3. POLICY CONTEXT

- 3.1 Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The

Development Plan for the area comprises the Newport Local Development Plan 2011-2026 (Adopted January 2015) and within which the following policies are of relevance

3.1.1 **Strategic Polices**

SP1 – Sustainability
SP3 – Flooding
SP9- Conservation of the Natural, Historic and Built Environment,
SP13 – Planning Obligations
SP18 – Urban Regeneration

3.1.2 **General Policies**

GP2 – General Amenity
GP3 – Service Infrastructure
GP4 – Highways & Accessibility
GP5- Natural Environment
GP6 – Quality of Design
GP7 – Environmental Protection & Public Health

3.1.3 **SMALL SITES , INFILL AND WINDFALL SITES**

H2 – Housing Standards
H3- Housing Mix and Density
H4 – Affordable Housing.

3.1.4 **Transport**

T4 – Parking

3.1.5 **Waste**

W3 – Provision for Waste Management Facilities in Development

3.1.6 **Archaeological**

CE6 – Archaeology
CE7 - Conservation Areas

3.1.7 **Retail**

R1 – City Centre Schemes
R3 – Non Retail Uses in Secondary City Centre Shopping Areas
R4 – Non-Retail Uses in Other City Centre Shopping Areas

3.2 **Supplementary Planning Guidance (Adopted)**

- Planning Obligations SPG
- Affordable Housing SPG
- Parking Standards SPG
- New Dwelling SPG
- Flat Conversions SPG

- Archaeology and Archaeologically Sensitive Area SPG
- Wildlife and Development SPG

3.3 Planning Policy Wales

3.3.1 National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application. The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

3.3.2 The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking.

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Accessibility
- Supporting Infrastructure

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing).

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic environment, Green Infrastructure, Landscape, Biodiversity and Ecological networks)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a derisking approach)

3.4 Technical Advice Notes:

3.4.1 The Welsh Government has provided additional guidance in the form of Technical

Advice Notes. The following are of relevance:

- Technical Advice Note 2 – Planning and Affordable Housing
- Technical Advice Note 5 – Nature Conservation and Planning,
- Technical Advice Note 11 – Noise (1997),
- Technical Advice Note 12 – Design (2016)

3.5 Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

4 CONSULTATIONS

- 4.1 DWR CYMRU/WELSH WATER- No formal response to date but observations detailed in the pre application consultation report (PAC) indicate that they would only accept foul sewerage connections to the mains. A large diameter brick egg sewer is located on the main road adjacent to the development site and they would not permit a new direct connection to this sewer as this is a strategic asset. They assumed the applicant is to utilize existing private drainage to communicate foul only flows from the development, however should a new direct connection to the public sewer be required, we request the applicant to contact us to establish a suitable connection point prior to the determination of this application.

Surface Water Drainage The proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, and is strongly recommended that the developer engage in pre-application consultation with the Local Authority, as the relevant SuDS Approval Body (SAB).

- 4.2 SENIOR FIRE PREVENTION OFFICER- The proposed site plan in relation to the above has been examined and the Fire and Rescue Authority. No objection is outlined but the following comments were made.
It is important that these matters are dealt with in the early stages of any proposed development. The developer should consider the need for the provision of:-

- adequate water supplies on the site for firefighting purposes; and
- access for emergency firefighting appliances

- 4.3 ARCHITECTURAL LIAISON OFFICER (POLICE)- No response has been received to date

- 4.4 NEWPORT CIVIC SOCIETY- No response has been received to date

- 4.5 NATURAL RESOURCES WALES- No objection to the proposal as submitted and commented as follows: -

European Protected Species - Bats : the bat report submitted in support of the above application (Bat Survey, 133-135 Commercial Street, Newport, NP20 1LY dated October 2019, prepared by Ecological Services Ltd) has identified that bats were not using the application site. We therefore have no comments to make on the application as submitted.

- 4.6 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST- No objection subject to the proposed recording work of the building is undertaken in accordance with the methodology set out in the submitted document- Archaeological Written Scheme of Investigation for a Programme of Historic Building Recording to Level 2 prepared by GGAT Projects Ltd., (document dated September 2019, document reference 2019/044).

5. INTERNAL COUNCIL ADVICE

4.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS) – The Highways Authority did not object to the proposal but requested condition for a construction Environmental Management Plans

4.2 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY OFFICER) - No objection subject to Ecology Enhancement condition being attached to any consent.

4.3 HEAD OF REGENERATION AND REGULATORY SERVICES (PUBLIC PROTECTION MANAGER)- The Environmental Health Officer considered the noise impact assessment and agrees that noise impacts to residential units from the plant required for the proposed retail units can be controlled by condition and sound insulations works and as well accept that the residential internal guidance noise levels can be achieved with the window glazing meeting the specifications provided in section 6.2 of the report. Conditions for Construction Environmental Management Plan and Future Fume Extraction are also requested.

The EHO did indicate, however, that the external noise levels at the site require that the glazing on the north east and north west elevations of the proposed residential units to be in the closed position to effectively mitigate noise ingress; and also the glazing on the south west elevation of Plot 135 to be closed. It is assumed that the proposal is for the windows NOT to be sealed shut leaving the decision to each occupier whether to open the windows when needed for summer cooling but then potentially be exposed to excessive traffic / community noise levels. The report indicates that the ventilation provisions are outside the scope of the assessment.

As such, it was requested that further information is submitted to show the windows that are recommended to be closed in order to meet the internal noise guidelines are to be shown on submitted floor plans and the implication of the proposed 'closed window' scheme on the overheating of the proposed residential units with regard to guidance given in acoustics ventilation and overheating Residential Design Guide January 2020.

4.4 HEAD OF REGENERATION AND REGULATORY SERVICES (PLANNING CONTRIBUTION MANAGER)- No objection and following the submission of a viability report the S106 officer has indicated that the planning contributions can be waived. The S106 requirements will be considered below in more detail in the assessment section of the report.

4.5 WORK BASED LEARNING ACADEMY- No response has been received to date.

4.6 HEAD OF STREETSCENE AND CITY SERVICES (WASTE) - Allowing for 120 litre capacity per property, a total capacity allowance of 2640l allowance - 1 x 1100l, 2 x 660l and 1 x 240l would be provided (chargeable). For recycling the development will need 1 x 660 litre bin for card/paper, 1 x 660 for cans/plastics, 1 x 240 for glass and 1 x 240 for food. A refuse collection services Ivor Street and can collect from the bin store at the rear.

4.7 TEAM MANAGER REGENERATION (M TRIBBECK) - No final comments have been received to date.

- 4.8 HEAD OF REGEN & REGULATORY SERVICES (POLICY MANAGER) - The scheme is supported. The applicant is retaining the red bricked buildings which have some architectural merit and have been identified as positive contributors. The secondary frontage retail units are also being retained. The introduction of 22 residential apartments is also supported. Residential units in the city will help to boost footfall and create a more vibrant city centre. In accordance with Policy H4, an affordable housing contribution will be required. The Council's Planning Obligations Manager will be able to provide further information on the Council's S106 requirements.
- 4.9 HEAD OF REGEN & REGULATORY SERVICES (HOUSING DEVELOPMENT MANAGER) - No objection but requested that an affordable housing contribution is sought rather than on site provision. Contribution is sought because to take on affordable housing in a block such as this would present significant issues in terms of management for any Registered Social Landlord.
- 4.10 HEAD OF CITY SERVICES (HIGHWAYS - ACTIVE TRAVEL CO-ORDINATOR) - No comments have been received to date.
- 4.11 HEAD OF CITY SERVICES (DRAINAGE MANAGER)- No response to date

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties within 50m and with a common boundary with the application site were consulted. Site notices were displayed on 20th December 2019 and a press notice published in South Wales Argus on 4th January 2020. No letters of representation have been received to date.
- 6.2 All COUNCILLORS: No responses have been received to date

7. ASSESSMENT

7.1 Site Context and Surroundings

- 7.1.1 Located at the junction of Commercial Street and Hill Street in the Kingsway Area. The site is 0.14 hectare site holds a prominent corner position along the busy Commercial Street. The proposed site is predominantly bordered with a variety of commercial and existing retail units which form a shopping parade along Commercial St situated in Newport city centre.
- 7.1.2 The area is characterised by commercial units at the ground floor within a historical three to four storey buildings fronting the road. The application site itself has a detailed brickwork and fenestration fronting the road at first and second floor. The site is considered a secondary retail frontage of the city centre and is notable due to the end of the pedestrianised area and the start of the one way vehicle highway between Hill Street and Palmyra Place.
- 7.1.3 To the West (Hill Street) the area is more residential with the St. Woolos Conservation area around 60m from the application site, whereas the City Centre Conservation Area does not extend past the pedestrianised area and begins around 15m north east. Although it is not adopted yet, there is currently a draft City Conservation Area Appraisal that would extend the conservation area to include the application site and beyond. This is because the architectural and historic value of buildings beyond the conservation area boundary remains high. The

street also forms part of the wider setting of a number of listed buildings, with those closest to the application site being St Paul's Church to the south and numbers 46 and 142 Commercial Street to the north.

7.1.3 The site contains three separate properties within the site boundary. The three properties in question have separate uses, 133, Commercial Street -Tattoo Shop, 134 Commercial Street -Lovely Nails -Beauty Salon and 135 Commercial Street - Aesthetics clinic. The clinic also fronts Hill Street as well as some commercial units in the ground and first floor fronting Hill Street that are currently vacant. The boundary of the site to the rear is bordered directly onto an access lane that is used to provide access to the rear of numbers 130-135 Commercial Street as well as the Salvation Army Citadel on Hill Street.

7.2.3 As well as all of the necessary facilities being within close proximity to the site, public transport within the area is very accessible with the train station being 0.5 miles at Queensway and the nearest bus station being 0.4 Miles at Friars Walk. An extract of the site location is below: -



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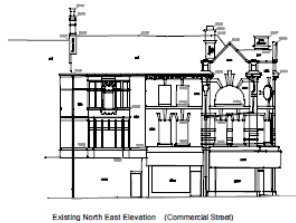
7.2 Description of Development

7.2.1 The plans propose a scheme consisting of the redevelopment of the property known as 133-135 Commercial Street, Newport. It is proposed to retain the 3no. commercial uses on the ground floor but extend and convert the upper floors to 22 residential units. To achieve this, the proposal would involve demolishing the two-storey structures fronting Hill Street and various extensions at the rear of the buildings and then construct a 5-storey extension. The units would be in the following configuration:

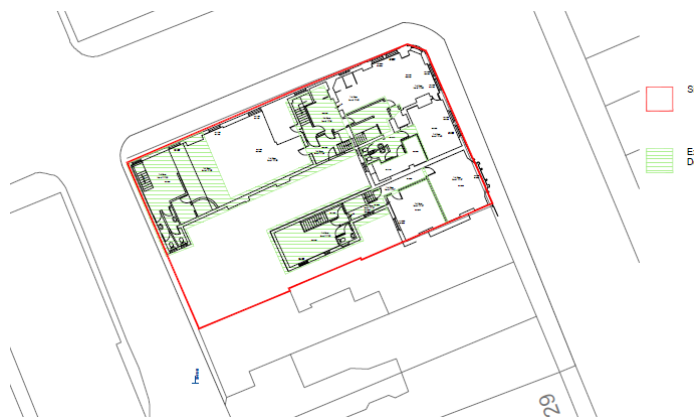
- Ground Floor -2 No. 1 Bed studio
- 1st Floor -8 No Unit- 4 x 1 bed studio, 3 x 1 bed flat and 1 x 2 bed flat

- 2nd Floor -6 No Units- 3 x 1 bed studio, 3 x 1 bed flat and 1 x 2 bed flat
- 3rd Floor -3 No Units- 2 No. 1 Bed studio and 1 x 2 bed flat
- 4th Floor -3 No Units- 2 No. 1 Bed studio and 1 x 2 bed flat
- 5th Floor -Roof Amenity / Garden Area- Approximately 104 sqm of amenity area as well as a stairwell and lift shaft access.

7.2.3 The facades of the buildings facing Commercial Street and Hill Street would be retained as they currently are whereas the substantial extension to the building would front both Hill Street and the rear vehicle lane and Ivor Street. No parking is proposed but some amenity space would be provided by a roof top garden space and an individual terraced area between the existing building and the extension. Cycle provision and waste refuge would be provided internally and are shown to the ground floor at the rear of the site. Extracts of some of the plans are set out below: -



Existing Plans (hatched green- demolished)



Proposed Plans (Not all floor Plans shown)

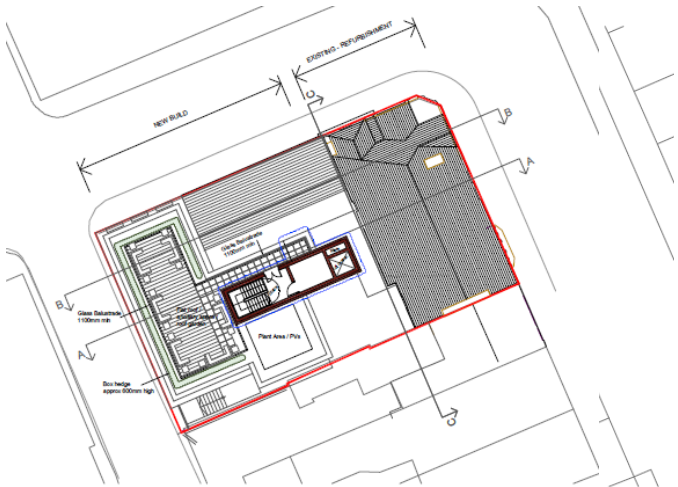
First Floor

Second floor

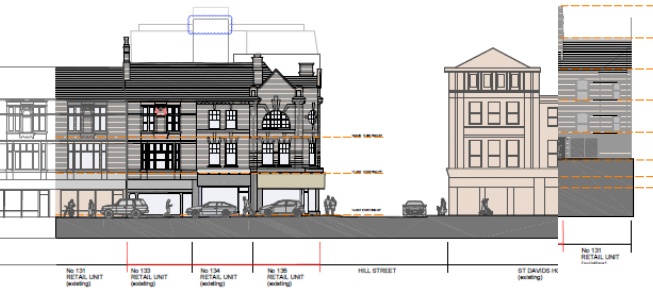


Proposed Second Floor Plan

Fifth floor (Amenity space)
 Fourth Floor



Proposed Elevations



- 7.3.1 The site is located within the City Centre secondary frontage and consequently the urban boundary as defined in the Adopted NLDP. Strategic policies SP1- Sustainability and SP18- Urban Regeneration promote sustainable residential development within the urban boundary. R1 City Centre Schemes is clear that proposals which enhance the provision of retail facilities within the city centre will be favoured as long as they are compatible with the overall functioning of the city centre. LDP Policy H3 (Housing Mix and Density) indicates that residential development proposals of 10 dwellings or more should provide a mix of housing to meet a range of needs and a residential density should that meet a minimum of 30 dwellings per hectare.
- 7.3.2 The retention of the uses at ground floor would mean that the development does not conflict with any district shopping policies whereas the proposed 22 dwellings on a 0.14ha site area in the City Centre would also comply with sustainable city living and urban regeneration of the centre. In addition, the density on site would be above the 30 dwellings per hectare and comply with the requirements of policy H3.
- 7.3.2 Although the proposed scheme is supported in principle, this is subject to the development criteria of policies H4- Affordable Housing and GP2- General Amenity, GP3- Service Infrastructure, GP4- Highways and Accessibility, GP5- Natural Environment, GP6- Quality of Design , GP7- Environmental Protection and Public Health, CE7- Conservation areas and T4- Parking being satisfied as well as the advice and guidance of the SPG's set out above. The design and amenity policies require, amongst other criteria, that the scale, form and character of new residential development to be sympathetic to the environs of the site and requires the proposal to have no unacceptable effect on the amenity and character of existing or neighbouring environments by virtue of noise, traffic congestion, exacerbation of parking problems or visual intrusion. Development must also meet the Council's approved amenity and parking standards and minimise any detrimental impact on adjacent areas.
- 7.3.3 Accordingly, the primary considerations in this application relate to the design and scale of the proposed scheme and the wider visual amenities of the street scene and adjacent conservation areas, its impact upon the amenities of the nearby residential and commercial occupiers, as well as parking and highway safety, amenity requirements of future occupiers, ecology, archaeological constraints, flooding and drainage, waste provision and S106 obligations. These matters will be considered in turn: -

7.4 Visual Impact

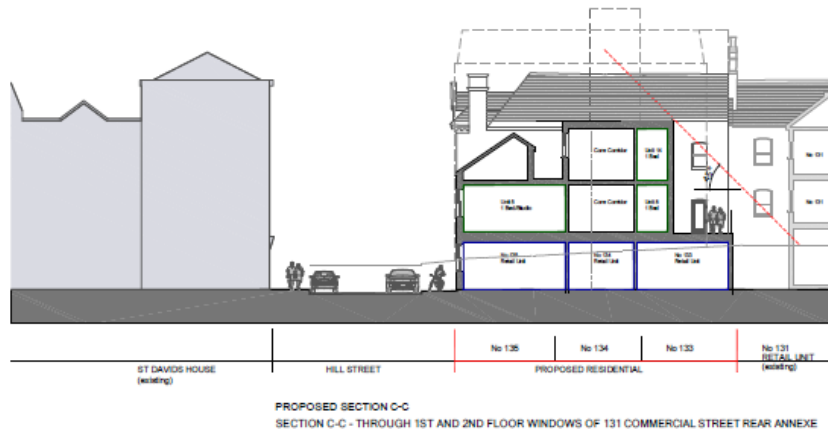
- 7.4.1 Policies GP2- General Amenity, GP6- Quality of Design of the Adopted LDP 2011-2026, seek to ensure that the development proposals are of a good quality of design and reflect the scale and context of the locality. SP9 and CE7 also require schemes within or adjacent to conservation areas and other protected sites should also be sensitively designed to mitigate any adverse impact upon the protected built environment and wider landscape features. The above mentioned policies are supported by the advice and guidance set out within TAN12- Design

- 7.4.2 The area is characterised by commercial units at the ground floor within historical three to four storey buildings fronting the road. The site is considered a secondary retail frontage of the city centre and is notable due to the end of the pedestrianised area and the start of the one way vehicle highway between Hill Street and Palmyra Place. To the West (Hill Street) the area is more residential with the St. Woolos Conservation area around 60m from the application site, whereas the City Centre Conservation Area does not extend past the pedestrianised area and begins around 15m north west. Although it is not adopted yet, there is currently a draft City Conservation Area Appraisal that would extend the conservation area to include the application site and beyond.
- 7.4.3 Nos 133 to 135 Commercial Street are notable buildings within this context (135 especially) due to the corner location and detailed brickwork and fenestration on the elevations fronting the Commercial Street at first and second floor. Despite the buildings being historical and prominent elevations, 133 to 135 are not listed. Nos 133 to 135 Commercial Street lies within Stow Hill Community which has 108 listed buildings, all of which are Grade II except for Newport Castle which is Grade II and St Woolos Cathedral which is Grade I. The nearest listed buildings to the site are Nos 142–143 Commercial St W side (approximately 125 metres to NW)
- 7.4.4 The proposed development comprises a two storey link and a larger 5 storey extension towards the rear of the site, which front onto Hill Street and the rear vehicle land. In terms of its scale and height, the five storey element will appear marginally higher than the adjacent properties and to the front on Commercial Street. There are larger buildings within the vicinity, most notably the recently approved apartment block at 127 Commercial Street, which extends 8 storeys and the car park accessed off Ivor Street.
- 7.4.5 The applicant has amended the design and appearance of the scheme since the pre application scheme with minor adjustments through the application process. The scale was reduced in line with what has been discussed while the more contemporary design presented at a pre application meeting has been amended to take into account its prominent position between two conservation area and the Georgian architecture within Newport City Centre. The agent has proposed a Stucco façade to the ground floor along with render above and vertically proportioned building and openings along with a Metal standing seam mansard roof with dormers. The finishes and appearance of the building do contrast with the style and finish of the prominent corner building to the front but in a positive manner. The change in design and appearance ensures the extension is a not a poor pastiche of the existing building but a more contemporary Georgian design with finishes that are considered to be sympathetic to the historical architecture that can be seen within the locality.
- 7.4.6 The main areas of concern were with respect to the scale, massing and height of the building fronting Hill Street and the impact upon the corner building. The height of the lift access and centralised building has been reduced marginally so the building would not be visible from pedestrian public vantage points along Commercial Street. In addition, due to the steep slope of the road at Hill Street and the lower ground to the back of the application site, the 5 storey extension would only appear marginally taller (approx. 1.5m) than the three storey buildings to the front and adjacent at St. Davids House. The applicant has also succeeded in breaking up the scale and bulk of the most prominent elevation fronting Hill Street

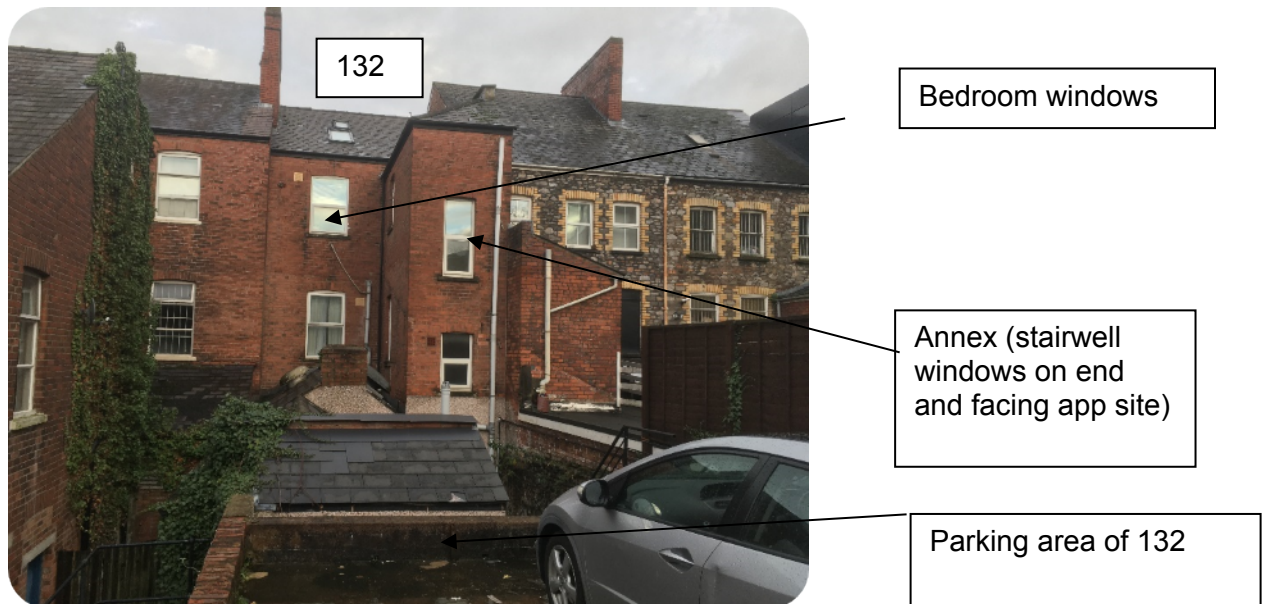
- by retaining the two storey link along the street by setting back the 5 storey elements by 6.5m for the first 12.5m and increasing the height from two storey to 5 storeys for the remaining 7.5m. The set back or recess in the design provides interest in the frontage, reduces the impact upon the character and appearance of the prominent corner building and ensures the elevation is not an oppressive or monotonous within the street scene. The change in materials (from Stucco to smooth render and standard seen roof) also help to break up the height of the 5 storey structure and add interest to the elevation.
- 7.4.7 Although the proposal is adjacent to The Town Centre Conservation Area, it is apparent that the front and side of the corner building will be converted and not altered externally as part of this scheme. The demolition and the erection of the five storey extension to the rear, although visible from approximately 30m, does not form part of the immediate setting for this particular Conservation Area. At the time of this assessment, there are proposals to extend the Conservation Area to include the application site but given the little visual change to the frontage and first 20m of the side elevation fronting Hill Street it is considered that the extension would be not be any dominant or incongruous feature that would impact upon the conservation area. Accordingly, the development would preserve the character, appearance or setting of this particular Conservation Area, as required by Policy CE7 of the NLDP.
- 7.4.8 The site is also approximately 60m from St.Woolos Conservation Area which is to the west. From this designation, the proposed elevation fronting the rear lane and most prominent from the west, albeit large, would be mitigated to a degree by the siting of the Salvation Army building directly behind it and the steep slope of the road. Although it would not conceal the elevation entirely, the over scale and mass of the elevation would be reduced so it would not appear as an overly dominant or imposing structure within the street scene. The proposed development, therefore, would preserve the character, appearance or setting of this particular Conservation Area, as required by Policy CE7 of the NLDP.
- 7.4.9 The nearest listed building is 142–143 Commercial Street which is approximately 125m to the north west of the application. Having regard to this distance the proposed works would not harm its setting.
- 7.4.10 Having regard to the above, it is considered that the proposed demolition of the existing buildings is justified and that the proposed development would be of appropriate scale and design that would ensure that the development would not have any significant adverse impact on visual amenity and the character and appearance of adjacent Conservation Areas. Conditions have been recommended for the agreement of all external finishes, boundary treatments, hard and soft landscaping. Accordingly, it is considered that the proposal satisfies Policies SP1, SP9, SP18, CE7 and GP6 of the NLDP.
- 7.5 Impact upon Neighbouring occupiers and uses
- 7.5.1 With regard to neighbouring impacts, the property adjoins 132, Commercial Street to one side (south) and recently approved apartments to the rear of 127 to 129 Commercial Street. St. Davids House (No. 137 Commercial Street) to the north, seperated by Hill Street and commercial proeperties with flats above on the opposite side of Commercial Street. To the rear, the nearest buildings are the

Salvation Army and a Mount Zion Church with the nearest residential properties being 30, Park Square and 23, Hill Street.

- 7.5.2 The New Dwellings SPG (Aug-2015) sets out tests for loss of light, this relates to neighbours' habitable rooms. In most cases, a proposal that fails both the 45° tests in relation to a single protected window is unlikely to be acceptable. In addition, order to protect privacy, the SPG also indicates that should generally ensure a minimum of 21m between habitable rooms in adjoining properties. With a proposal of this scale and location it would also be necessary to consider impacts of noise and disturbance on adjoining properties.
- 7.5.2 The proposed five storey block as well as the windows proposed in the rear elevation fronting the rear vehicular lane and Hill Street would not adversely impact upon any nearby residential amenity. The nearest properties are the Salvation Army building and Church, whereas the nearest residential dwellings would be approximately 40 to 50m away and not directly behind. As such, there would no harmful impact upon residential amenity in this direction by way of being overbearing or overlooking.
- 7.5.3 Similarly, on the opposite side of Hill Street is the neighbouring building of St. Davids House. From the Council's mapping records, the building is occupied by commercial tenants at the ground and upper floors and there are no residential addresses identified. There is a distance of around 13m between St. Davids House and the proposed extension and the windows facing this direction. As the units opposite are not residential there are no concerns with respect to overlooking whereas the 13m distance and the breaking up of the elevation facing Hill Street ensures the proposal would not be overbearing to this property.
- 7.5.4 The properties opposite on Commercial Street are between 14 and 15m from building to building and as such the converted flats to the front would be below the recommended distance outlined in the Council's Amenity Standards SPG (21m between habitable windows). However, the context of the site must also be taken into account, and in this instance the existing residential flats that occupy the upper floors on the opposite side of the road are all 15m apart. As such, given the benefit of retaining and using the existing building and the comparable distance between flats in this location, it is considered that there is no adverse impact with respect to privacy.
- 7.5.5 The nearest residential property to be directly impacted would be the flats in the upper floors of 132, Commercial Street to the rear. Windows are located in the upper floors of the neighbour, directly face the rear lane and accommodate bedrooms. With respect to the habitable windows, the proposed extension/buildings would impact upon the outlook but it is considered that it would not be overbearing. For instance, the windows would fail the plan view 45 degree test but due to the gap between the existing building and extension, they would pass the 45 degree elevation light test. Extracts below of section drawing to illustrate point: -



The rear annex on this property, which extends further than the rear elevation, has windows directly facing the application property. However, the annex accommodates a stairwell/hallway and would not be considered habitable. The windows on the proposed south east elevation of the scheme would face the rear yard of this neighbour but it does not appear to be utilised as a private garden space for the flats. It is mostly a hardstanding for the parking of cars and with the benefit of checking the approved plans for the flats (ref 02/0609) there is no access from the flats to the rear yard of the site. (photo below). The area is also already overlooked by windows in the application site, as such, there would be privacy harm. The windows in the south east elevation would be too acute angle and distance to look back into the rear elevation of this neighbouring property.



7.5.6 Due to the position and height of the rear annex at 132, Commercial Street, the rear facing windows at properties at 131 and 130 Commercial Street would face the annex elevation and would be no worse than the existing situation. The above picture illustrates the position of the annex and windows beyond.

- 7.5.7 The scheme also proposes a private amenity space area on the first floor that would serve Flat 8 occupying the existing building. The amenity space would be private to this flat and could provide direct views back towards the bedroom windows on 132, Commercial Street. The area was going to be accessible to two properties but following negotiations the agent amended the scheme to ensure this area could only be accessed and overlooked by Flat 8 and proposed a 1.5m screen to mitigate any privacy issues to the neighbour. Although, a screen would provide the appropriate mitigation to the neighbouring flat, 1.5m would be too low, therefore, a condition will be added to any consent to require the applicant to submit details of a 1.8m high screen before beneficial use of this area. The agent has agreed this via email.
- 7.5.8 The five storey extension and windows on the south east elevation would face the recently constructed apartments situated to the back of 127-129 Commercial Street. The boundary of no. 133 is approximately 17m from the boundary with this neighbour. This is below the recommended standard of 21m between habitable rooms, but due to the tapered design of the newly built apartments, the nearest habitable windows in the north facing elevation are in excess of 17m distance (dependent on what apartment window is in consideration) and also angled towards the north east, towards Commercial Street, rather than directly towards the proposed development. As such, when taking into account the distance and angle of view it is considered that the level of overlooking to the newly constructed flats would be not be harmful.
- 7.5.8 In terms of the physical impact of the building on the new apartments, the proposed development would alter the outlook from the newly constructed properties but would not be considered overbearing. While there would inevitably be an impact experienced due to the proximity and height of the building, it is considered that this impact is mitigated by the 17m (minimum) gap, the siting of the extension (North) to the apartments and the tapered design of the 8 storey neighbouring building. This would ensure that the apartment windows would pass the 45 degree elevation test. Therefore, while the proposed building is materially taller in part than the previous rear annex, it is considered that its height is not excessive in this context and that the degree of separation would ensure that, on balance, the building would not be unacceptably overbearing to the occupiers of these flats.
- 7.5.9 The bin stores, which are sited to the rear are enclosed within the building, as such, these would not unacceptably impact upon the amenities of neighbouring properties by way of harmful odours. In addition, as the application has been amended to not propose any changes to the ground floor uses there should be not additional impact upon neighbouring properties by way of noise and disturbance from these uses.
- 7.5.10 Finally, it is considered that the creation of the units would not inherently result in a level of noise/nuisance that would be impact any greater on the neighbouring residential amenity, provided that the appropriate sound insulations works are carried out between buildings. Environmental Health were consulted and did not object to the scheme due to impacts upon neighbours but did request a Construction and Environmental Management Plan condition in order to mitigate the impacts of the construction phase of the development.

7.5.11 Accordingly, subject to conditions, the impact of the proposal on the nearest residential amenity and commercial activity is considered acceptable, complying with the requirements of policies GP2- General amenity and GP7- Environmental Protection and Public Health of the Adopted Local Development Plan 2011-2026.

7.6 Amenity space and provision for future occupiers

7.6.1 The site layout plan shows provision for an area of communal garden/amenity space on the roof of the building that amounts to 104 sqm and can be accessed by all via the lift and a private amenity space for flat 8 amounting to approximately 40 sq metres. The Amenity Standards SPG recommends that in flatted developments of this scale (between 26 (min) to 42 max occupants), developers should seek to provide 13 sqm per person, therefore, based on the guidance there should be between 338 sqm and 546 sqm of amenity space. As such, the proposal would fall short of the minimum requirements for such a development.

7.6.2 Nevertheless, the SPG is guidance and the context of the site and proposal must be taken into account. In view of the constrained urban nature of the site, it is considered that it would be impractical to provide the above quoted level of amenity space within the development site, while at the same time developing it viably. It is considered that in a city centre location such as this, where higher densities of residential developments are both sustainable and appropriate, there is a justification in relaxing these standards. However, it is nevertheless recognised that the communal area proposed will provide a good degree of outdoor space for all the future occupiers to directly access, sit out, relax and dry clothes etc. Moreover, there is a designated area for bin storage and cycle storage that can be utilised by the occupiers. As such, it is considered that the level of amenity space proposed is acceptable in this instance.

7.6.3 The Council's Adopted Supplementary Planning Guidance: Flat Conversions and New Dwelling requires the following internal space standards:

	Size (sqm)
1 bed (Studio)	32
1 bed	45
2 bed	58

7.6.4 Having regard to the above, it would appear that the proposed bedsits and flats would meet or exceed the standards set out by the SPG. In addition, all have windows with either a single or dual outlook onto the area around the site, ensuring that appropriate natural light would be received by the flats.

7.6.5 A noise assessment was submitted by the applicant that considered the potential noise impact of the development. The Council's Environmental Health Officer considered the submissions and indicated that the noise assessment concluded that the proposed residential units on the upper floors of the development will be impacted upon by the external noise levels from the city centre activities along Commercial Street and Hill Street. The noise report recommends that conditions are included for any potential noise from plant at the ground floor commercial units

- and sound insulation between the commercial and residential floors and this was appropriate by the Environmental Health Officer.
- 7.6.6 The noise report also sets out that the measured external ambient noise levels at the site indicate that an open window ventilation strategy would not be suitable for any of the habitable rooms within the north east and north west elevations of the development overlooking Hill Street and Commercial Street. Furthermore, an open window ventilation strategy would not be suitable for habitable rooms within the south west elevation of Plot 135. A scheme of sound insulation is required to control the noise ingress. The recommended scheme requires that the glazing is in the closed position.
- 7.6.7 As the closed window proposal would impact on a number of units fronting the two main streets within the existing building and proposed extension, the Environmental Health officer did request further information on the scheme. It was requested that the applicant provide details of the units and windows effected and the implication of the proposed 'closed window' scheme on the overheating of the proposed residential units with regard to guidance given in Acoustics Ventilation and Overheating Residential Design Guide January 2020. The applicant's agent indicated that this element had not been calculated and will need to be addressed at detailed design stage. Having regard to the requirements and guidance suggested, the applicant requested this element to be conditioned.
- 7.6.8 Upon review, it is considered that the guidance set out by the EHO did not have significant weight in Wales and, as such, a condition requiring the details of the sound and ventilation of the scheme for the units is appropriate and would be required prior to the commencement of any works.
- 7.6.9 In summary, it is considered that the proposed units are of an appropriate internal size with acceptable outlook and provision of outdoor amenity space and subject to details confirming that the all units can be appropriately insulated from the City Centre noise and ventilated to an appropriate standards, it is considered that the design and layout of the proposed units are acceptable, complying with policies GP2 and GP6 of the Adopted LDP 2011-2026 and the Flat conversions and New Dwellings Supplementary Planning Guidance.
- 7.7 Highway Safety and Parking
- 7.7.1 The application seeks to retain the existing sui generis uses at ground floor and 22 residential units above. The site is situated within the City Centre and is very accessible by public transport (Train and Bus), vehicle and on foot. The proposal would not result in any loss of on site parking but no on site parking is proposed as part of the scheme. Cycle provision is proposed for 9 cycle storage units to the rear of the site at ground floor.
- 7.7.2 The site is situated within Parking Zone 1 as identified with the Council's Parking Standards SPG. Access to the property can be gained from Hill Street as well as a rear vehicle lane to the back of the site. Parking on the adjoining roads directly outside the site is restricted to disabled parking or taxis but some limited 2hr or 1hr parking can be found within a short walking distance along both Hill Street and Commercial Street.

7.7.3 Although no off street parking is available due to the position within Zone 1 no off street parking is required. The site is in a highly sustainable location and any occupier of the flats would have convenient access to a wide range of public transport services, bus and rail, as well as all of the amenities and facilities offered by the City Centre location. As such, it is considered that no additional off street parking would be required as part of the scheme and any increase of traffic to and from the site could be accommodated by the existing highway network.

7.7.4 The Highways Authority were consulted and have not objected to the scheme but due to the central location close to neighbouring commercial and residential uses, it is requested a Construction Environmental Management Plan (CEMP) is attached to any consent. This can be included as a condition. Accordingly, it is considered that the proposal would be acceptable in respect of parking and highway safety, complying with the requirements of policies GP4 and T4 of the Adopted LDP 2011-2026

7.8 Ecology

7.8.1 Policies SP9, GP5 and GP7 of the Newport local development plan 2011-2026 (adopted January 2015) as well as supplementary planning guidance: wildlife and development (SPG: WD) indicates the development will be permitted where the proposals are designed to encourage biodiversity and ecological connectivity and demonstrate how they avoid, mitigate or compensate any negative impacts to biodiversity, ensuring that there are no significant adverse effects on areas of nature conservation interest including international, European, national and local protected habitats and species, and protecting features of importance for ecology and water quality.

7.8.2 To support the planning application a bat report was submitted with the application. The survey investigated if bat use the current property in any capacity during the maternity season, and for any evidence suggesting that bats use the building at other times of the year. The report was prepared by a qualified Ecologist.

7.8.3 The bat survey was undertaken in accordance with the good practice recommendations. The roost assessment identified moderate potential for bats; two roost presence/absence surveys were carried out in suitable weather condition and with a suitable number of surveyors to cover the complex building. No evidence of a bat roost was identified during the survey, and therefore no mitigation is required.

7.8.3 The Council's Ecologist and National Resource Wales were consulted in respect of the application and the submitted Bat Survey. National Resources Wales have indicated that as the survey identified that bats were not using the application site then they have no comments to make. The Council's Ecologist was also satisfied with the information provided that Ecological Enhancements could be provided in the form of bat or swift boxes and that the applicant is made aware of his responsibilities if a bat roost was found during the works. An Ecological Enhancement condition can be attached to any consent to require these details.

7.8.4 It is considered that, subject to conditions, the proposed development would not have a significant impact on protected European species. As such, the development is considered to satisfy Policies GP2, GP6, SP9 and GP5 and GP7

of the Newport Local Development Plan 2011-2026 (Adopted January 2015) as well as Technical Advice Note 5 and Supplementary Planning Guidance: Wildlife and Development (SPG: WD).

7.9 Archeaology

7.9.1 The site is within an Archaeologically Sensitive Area. The application was submitted with an Archaeological Written Scheme of Investigation for a Programme of Historic Building Recording to Level 2 prepared by GGAT Projects Ltd., (document dated September 2019, reference 2019/044).

7.9.2 Glamorgan Gwent Archaeological Trust (GGAT) were consulted and have indicated in their response that the WSI document proposes appropriate methodology for this investigation and is fit for purpose, meeting current professional standards. It therefore remains for the proposed work in recording the building to be undertaken to meet the methodology outlined in the written scheme and a condition can be included with any consent to ensure the work accords with WSI set out in the document.

7.9.3 As such, subject to the works being carried out in accordance with the submitted scheme, the development complies with policies CE6 of the Adopted LDP 2011-2026.

7.10 Flooding and Drainage

7.10.1 The site lies within Flood Zone B, within which TAN 15 advises that Natural Resources Wales and the Council's Flood Risk Engineers should be consulted. Neither consultee has raised any objection in respect of flood risk, both in terms of the site itself or adjacent land.

7.10.2 The applicant has submitted a Drainage Strategy, which indicates that they will seek to discharge the foul and surface water into the combined system. This is because the whole site currently an impermeable surface and although the works will result in additional floors, it will not increase the impermeable surface of the site and result in increased surface water drainage from the site.

7.10.3 Welsh Water have indicated in their observations to the PAC report that they would be satisfied if a new connection was proposed to dispose of the foul, provided they avoided a nearby brickwork combined sewer. However, the Council have not received a formal response to the proposed drainage strategy and, consequently, it has not been confirmed that the surface water run off could be connected to the mains sewer.

7.10.4 In light of the above and the fact that the scheme may or may not be caught within the new SAB regulations, it would be appropriate to condition any consent to require a detailed drainage scheme for the foul and surface water from the site to be submitted to and agreed by the Council prior to commencement of the development. The proposed development is, therefore, considered acceptable in terms of drainage and flooding subject to this condition.

7.11 Waste

7.11.1 There is proposed space within the site to store bins and recycling facilities for commercial and residential uses on the site with good access to the public highway. The proposed bin storage area would be enclosed and of an appropriate size to accommodate the necessary bin storage sizes set out by the waste section. The waste section have also indicated that the waste can be accessed via Hill Street and the rear lane.

7.11.2 As such there are no concerns with respect to waste storage provision and access in accordance with W3 of the Adopted LDP

7.12 Section 106 Planning Obligation matters

7.12.1 Summary

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

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
<i>e.g. Regeneration, Investment and Housing</i>	<i>e.g. to provide on site affordable housing</i>	<i>e.g. 40% affordable housing units at xx ACG, etc in accordance with policy XX of LDP or in accordance with formulae in adopted SPG, etc</i>	<i>e.g 20% affordable housing at XX ACG</i>	<i>Yes/No? Has the developer argued viability? If so, elaborate in relevant section of separate text</i>
Housing	Off site contributions to affordable housing	30% affordable housing	£77,220	Yes (see below)
Leisure	Leisure facilities in ward	'Equipped' and 'Formal' play provision	£33,306	Yes (see below)

7.12.2 Viability

7.12.3 As indicated above, the Council requested a total of £110,526 in Section 106 contributions which includes an off-site commuted sum for Affordable Housing at £77,220 and a contribution for leisure facilities at £33,306. Following the request, the applicant has provided information in relation to the viability in the form of a viability report submitted to the Council by Savills.

- 7.12.4 The viability report attributed a gross development value (GDV) to the completed scheme based on comparable evidence. It applied a capital value to each proposed flat based upon openmarket sale value as well as the capitalised rental income from the retail units and the future freehold ground rent investment.
- 7.12.5 It also estimated the cost of developing the scheme using median build costs published by the RICS' Build Cost Information Service (BCIS), plus standard assumptions on fees, contingency, finance and developer's profit.
- 7.12.6 In order to have an incentive to redevelop a site, a landowner must receive a premium over and above its existing use value, after allowing for the costs of obtaining planning permission; this is known as the Benchmark Land Value (BLV). In order to be considered viable, the scheme must produce a residual land value in excess of the BLV. With the requested S106 amounts included, the residual value is significantly below the BLV making the development unviable with the requested S106.
- 7.12.7 Economic viability is an important material planning consideration on the potential scope and scale of planning obligations, especially when considering wider regeneration benefits and whether these issues outweigh the harm caused by the loss of S106 planning obligations.
- 7.12.8 An 'open book' viability appraisal (April 2020) was undertaken by Newport Norse. It concluded that "*given the information provided and the data from comparable evidence the scheme appears to be unviable in terms of the section 106 payments*". As such, it is concluded that the above S106 contributions should be waived.

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

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

8.2 *Equality Act 2010*

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

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

9. CONCLUSION

9.1 Having regard to policies SP1 Sustainability, SP2 Health, SP3 Flood Risk, SP9 Conservation of the Natural, Historic and Built Environment, SP13 Planning Obligations, SP18 Urban Regeneration, R1 – City Centre Schemes, R3 – Non Retail Uses in Secondary City Centre Shopping Areas, R4 – Non-Retail Uses in Other City Centre Shopping Areas, H3- Housing Mix and Density, H4 Affordable Housing, GP1– Climate Change, GP2– General Amenity, GP3– Service Infrastructure, GP4– Highways and Accessibility, GP5– Natural Environment, GP6– Quality of Design, GP7– Environmental Protection and Public Health, CE6 Archaeology, CE7 Conservation Areas, T4 Parking, and W3- Provision for Waste Facilities in Development of the Adopted Newport Local Development Plan 2011-2026 and the Adopted SPGS, Planning Policy Wales (10th Edition), and Technical Advice Notes 5 – Nature Conservation and Planning, 11 – Noise (1997), 12 – Design (2016) it is considered that the proposed scheme is considered acceptable in respect of the principle of residential development, the impact upon the character of site and the wide visual amenities of the street scene and adjacent conservation areas, impact on neighbours, highways safety and parking, amenity for future occupiers, drainage, ecology, waste and archaeology.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

1. The development shall be implemented in accordance with the following plans and documents

PL_100 Site location Plan
PL_200 Proposed Ground Floor Plan - Rev B
PL_201 Proposed First Floor Plan - Rev B
PL_202 Proposed Second Floor Plan - Rev B
PL_203 Proposed Third Floor Plan - Rev B
PL_204 Proposed Fourth Floor Plan - Rev B
PL_205 Proposed Fifth Floor Plan - Rev B
PL_206 Proposed Roof Plan B

PL_300 Proposed North West Elevation - Rev A
PL_301 Proposed North East Elevation - Rev A
PL_302 Proposed South West Elevation - Rev A
PL_303 Proposed South East Elevation - Rev A

PL_400 Proposed Section A-A - Rev A
PL_401 Proposed Section B-B - Rev A
PL_402 Proposed Section C-C

Design and Access Statement

Noise Assessment

Bat Survey

Drainage Strategy

Written Scheme of Investigation

Pre application Consultation report (PAC)

Heritage Impact 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

2. No work shall be commenced on the construction of the approved scheme until samples of materials and finishes set out in the application have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out using the approved materials.

Reason: To ensure that the development is completed in a manner compatible with its surroundings, complying with policies GP2, GP6 and GP7 of the Adopted LDP 2011-2026

3. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the beneficial occupation of the development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason: To safeguard local visual amenities, and to ensure the development accords with Policies GP2, GP6 and GP7 of the Adopted LDP

4. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order no fence, wall or means of enclosure (other than those approved under the terms of Condition No. 3 of this planning permission) shall be erected, constructed, improved or altered on site without the prior consent of the Local Planning Authority.

Reason: To safeguard local visual amenities, and to ensure the development accords with Policies GP2, GP6 and GP7 of the Adopted LDP

5. A hard and soft landscaping scheme for roof top amenity space and external public spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial occupation of the development, which shall include indications of the removal of the street tree and its replacement, implementation and future maintenance.
Reason: To safeguard local visual amenities, and to ensure the development accords with Policies GP2, GP6 and GP7 of the Adopted LDP
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: To safeguard local visual amenities, and to ensure the development accords with Policies GP2, GP6 and GP7 of the Adopted LDP
7. No development shall commence until details of the proposed finished levels of the site and buildings in relation to existing ground levels, and the adjoining public highway are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.
Reason: To safeguard local visual amenities, and to ensure the development accords with Policies GP2, GP6 and GP7 of the Adopted LDP.
8. Any plant from the commercial units to have a total maximum rating level not exceeding 39 dB, when assessed at the nearest sensitive receptor and following the procedures in BS 4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound.
Reason: To ensure that the amenities of nearby residential occupiers are safeguarded and to ensure the development accords with Policies GP2, GP6 and GP7 of the Adopted LDP
9. No development shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:
 - i) The parking of vehicles of site operatives and visitors;
 - ii) Loading and unloading of plant and materials;
 - iii) Storage of plant and materials used in constructing the development;
 - iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) Wheel washing facilities;
 - vi) Measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works.
 - viii) Hours of construction;
 - ix) Lighting;

- x) Management, control and mitigation of noise and vibration;
 - xi) Odour management and mitigation;
 - xi) Diesel and oil tank storage areas and bunds;
 - xii) How the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
 - xiii) A system for the management of complaints from local residents which will incorporate a reporting system.
 - xv) Measures to minimise the impact on air quality should include HGV routes avoiding Air Quality Management Areas and avoid vehicle idling
- The construction of the development shall be undertaken in accordance with the approved CEMP.

Reason: In the interests of residential amenity and in the interests of highway safety and complying with the requirements of policy GP4 and GP6 of the Adopted LDP2011-2026

10. The development shall not be occupied until full details of cycle storage have been provided in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority and they shall be retained in perpetuity.

Reason: To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policy GP4 of the Adopted LDP2011-2026

11. Prior to the site becoming operational, a scheme of Ecological Enhancement will be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include measures to promote increased biodiversity on the site and providing for the future management of any such measures as necessary and shall include a timescale for implementing these measures. The development shall be carried out in accordance with the approved Ecological Enhancement scheme and maintained in this manner thereafter.

Reason: to ensure the development provides ecological net benefit on the site as required in Planning Policy Wales Edition 10.

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

Reason: To ensure that the amenities of future occupiers are protected, in accordance with policies GP2 and GP7

13. Prior to first occupation of the residential accommodation, mitigation measures to the façade glazing shall be undertaken in accordance with the recommendations of Acoustics & Noise Limited, Noise Impact Assessment for Mixed Residential/Commercial Development, Job No 1909 092, dated 10th October 2019.

Reason: To ensure that the amenities of future occupiers are protected, in accordance with policies GP2 and GP7

14. No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that all habitable

rooms exposed to external commercial and city centre 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 and would not be subject to overheating. 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 in perpetuity.

Reason: To ensure that the amenities of future occupiers are protected, in accordance with policies GP2 and GP7

15. No development (excluding demolition) shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard (surface) water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to the occupation of any part of the development hereby approved.

Reason: To ensure that effective drainage facility are provided for the proposed development and that flood risk is not increased

16. The approved scheme shall be carried out in accordance with Written Scheme of Investigation set out in the submitted document 'Archaeological Written Scheme of Investigation' Prepared For Property Index by Cardiff Ltd Glamorgan-Gwent Archaeological Trust Ltd (GGAT Projects) September 2019.

Reason: To safeguard species archaeology and compliance with CE6 of the Adopted LDP 2011-2026.

17. Prior to the commencement of the development, full details of any external illumination and lighting shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme prior to the beneficial use of the scheme.

Reason: In order to ensure a satisfactory and safe development and to ensure compliance with Policies GP2, GP6 and GP7 of the Adopted LDP.

18. Prior to the commencement of the development, details of a 1.8m high screen to be erected along the south east elevation of the private terrace/amenity area at First floor shall be submitted to and agreed by the Local Planning Authority. The approved screen shall be implemented prior to the beneficial use of Unit 8 of the proposed scheme.

Reason: To safeguard impact upon neighbouring properties and to comply with GP2 and GP6 of the Adopted LDP.

19. The approved scheme shall be carried out in accordance with commercial and residential waste and recycling provision detailed on PL_200 Proposed Ground Floor Plan - Rev B. The waste provision shall be provided prior to the first occupation of the residential units and shall be maintained in association with the scheme thereafter.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP2 SP3, SP9, SP13, SP18, R1, R3 R4, H3, H4, GP1, GP2, GP3, GP4, GP5, GP6, GP7, CE6, CE7, T4 and W3 were relevant to the determination of this application.

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

03 The 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 March 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.

04 Caution should be exercised due to the possibility of encountering bat roosts unexpectedly during development work. In the event that a bat roost is found, work on the structure should cease immediately whilst advice is sought from the National Resources Wales.

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

3.

APPLICATION DETAILS

No: 20/0309 **Ward:** St Julians

Type: Full Application

Expiry Date: 12th Jun 2020

Applicant: R Watkins

Site: Land East Of And Adjacent To Glen Coed Bungalow 14A
Bank Street Newport NP19 7HF

Proposal: CONSTRUCTION OF 2NO THREE BEDROOM SEMI
DETACHED HOUSES WITH ASSOCIATED PARKING AND
EXTERNAL AMENITY AREAS

Recommendation: Refused

1. INTRODUCTION

- 1.1 This application seeks consent for the construction of two, three bedroom dwellings with associated parking and amenity area at land east of Glen Coed Bungalow, Bank Street. The site is broadly rectangular shaped measuring approximately 14m in width and 22m in length. The site is surrounded to the north, east and west by existing residential development. The site fronts Bank Street to the south. The site is vacant land having once served as garden for Glen Coed Bungalow.
- 1.2 Outline planning permission was granted in 2015 for the erection of two dwellings at the site but Reserved Matters were not submitted so the outline permission remains extant and a fall-back but reserved matters can no longer be submitted in accordance with conditions on the outline without such conditions first being varied. The site is within the settlement boundary and constitutes previously developed land being residential curtilage. The main considerations of this application relate to design, highway safety/parking, the amenity of future occupants and neighbouring occupants and financial obligations.
- 1.3 The application is being reported to Committee as the applicant is related to an Officer in a department that has links to planning.

2. RELEVANT SITE HISTORY

15/0840	ERECTION OF TWO DWELLINGS (OUTLINE)	GRANTED WITH CONDITIONS SUBJECT TO SECTION 106 LEGAL AGREEMENT
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3. POLICY CONTEXT

- 3.1 The following policies of the Newport Local Development Plan, 2011-2026 (Adopted January 2015) are relevant to the proposals:
Policy SP1 Sustainability favours proposals which make a positive contribution to sustainable development.
Policy SP9 Conservation of the Natural, Historic and Built Environment protects habitats and species as well as Newport’s listed buildings, conservation areas, historic parks and gardens, scheduled ancient monuments, archaeologically sensitive areas and landscape designated as being of outstanding historic interest.
Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
Policy GP4 General Development Principles – Highways and Accessibility states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.

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

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

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

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

3.2 *The following Supplementary Planning Guidance is relevant:*

New Dwellings (adopted August 2015)

Parking Standards (adopted August 2015)

Affordable Housing (adopted August 2015)

4. CONSULTATIONS

4.1 DWR CYMRU WELSH WATER: SEWERAGE- We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. Surface Water Drainage - The proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, and is strongly recommended that the developer engage in pre-application consultation with the Local Authority, as the relevant SuDS Approval Body (SAB). Should it be determined that SAB consent is not required, we request that if you are minded to grant Planning Consent for the above development that conditions and advisory notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

5. INTERNAL COUNCIL ADVICE

5.1 PUBLIC PROTECTION MANAGER (POLLUTION): No objection subject to conditions relating to construction management and unforeseen contamination.

5.3 HEAD OF STREETSCENE AND CITY SERVICES (WASTE MANAGER): No response.

5.4 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): In regard to above application I would comment as follows:

- The applicant has submitted a sustainability assessment in order to justify a reduction in the off street parking provision. I'm satisfied that the required points are achievable to justify a reduction of 1 space per unit and therefore the proposed number of spaces meets the requirements of the Newport City Council parking standards.
- Where a space abuts a structure it must have a minimum length of 5.5m in order to prevent any overhang of the public highway. Therefore whilst the number of spaces is considered acceptable, the length of the spaces must be increased.

- In the interest of pedestrian visibility no structures or planting will be permitted above a height of 0.6m m above carriageway within 2m of the back edge of the footway.
- The driveway must be hard paved and suitable drainage must be employed to prevent surface water run off onto the adopted highway.
- There is a street name plate located adjacent to the site which may need to be relocated should the application be granted, with any costs being met by the developer. In addition a drop kerb and vehicle crossover will be required. City Services will therefore need to be contact.

6.2 The agent has submitted a statement in support of the application which has been read in full to the Planning Committee Chairman prior to determination of the application. The statement is summarised below:

As clearly set out in the Design & Access Statement, the proposed development has been designed strictly in accordance with all National Planning Policy, including Technical Advice Notes, All Local Plan Policies, all Supplementary Planning Guidance and all other appropriate references.

The proposal is for 2 family homes on previously developed land, within the settlement boundary, in a highly sustainable location and located within 400m of both a Primary and Secondary School and a District Centre. It is difficult to imagine a more appropriate use for the site.

The proposal meets all technical planning requirements. It respects the established building line, it meets the required overlooking distances, it will be constructed of materials that are complimentary to the streetscape, it is of a scale and massing that is appropriate for it's setting and it has appropriate parking. There have been no objections to the proposal from Neighbours, Local Members or Statutory Consultees.

The only issue that has been raised by consultees relates to the size of the parking spaces which can be resolved with no detriment to the overall design. It is also worth noting that more spaces are to be provided than required by the Parking Standards to ensure that there is no effect on neighbours' amenity. It appears that the only objection to the proposed development relates to Policy GP6:Design and the provision of an overhang to the off street parking spaces. Design is subjective, although the Policy and Guidance does seek to formalise some of the principles.

The design as submitted is of a good quality, is sensitive to the site, provides accommodation that is easily accessible, displays creativity and innovation to create family housing on a restricted site, reflects the scale of the streetscape, is constructed from durable and renewable materials and is inherently robust, energy and water efficient, flood resistant and adaptable.

The proposals accord with the Council New Dwellings SPG in which the proposal fails to meet the published requirements.

The proposed development provides a well designed solution to met a clearly identified need for family housing in a highly sustainable location within walking distance of local schools.

We have consulted widely and should the application be refused there is a strong case to be made for an appeal to the Planning Inspectorate.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties with a common boundary and opposite the site were consulted (11no properties). No response received.

7. ASSESSMENT

7.1 Two semi-detached, three storey dwellings are proposed. The properties would be sited centrally within the plot with each having 2no off-street parking spaces to the front. The properties have been designed with an overhang to the front in order to accommodate the parking spaces and to provide living accommodation above. The properties would have a combined width of 12m and a height of 8.8m. The depth of the properties varies between the ground and upper floor (12m at ground floor and 8m at first floor). This is in order to ensure that first floor windows are set a minimum of 10m from the rear boundary of the site. The properties would have a dark-red brick finish with a darker plinth band. Flat roofed dormers are proposed at the rear to accommodate accommodation in the roofspace. To the front the fenestration would include entrance doors and window at ground floor with two windows at first floor and rooflights at second floor level. No windows are proposed in the side elevations. The internal layout would comprise a study, wc, kitchen and living room at ground floor with an en-suite bedroom/bathroom at first floor, further bedroom and separate bathroom and a further bedroom at second floor level.

7.2 The site is bounded to the east by a pair of modern, brick built semi detached properties and to the west by a rendered bungalow. To the rear the site is bounded by a modern housing development, with the rear garden of no.47 High Banks directly behind with a glazed conservatory near to this boundary. Opposite the site and the wider area is characterised by traditional terrace properties in a linear fashion.

7.3 Given the site constraints and the surrounding development the following conditions were imposed on the Outline planning permission:

07 A distance of 10m shall be maintained between first floor rear windows and the rear (north-eastern) boundaries of the site.

Reason: To ensure there is an adequate distance between first floor windows and the neighbouring gardens to the rear in the interests of neighbouring privacy and amenity.

08 No first floor windows shall be installed in the west side elevation of plot 1 facing Glen Coed Bungalow.

Reason: In the interests of neighbouring privacy and amenity.

09 The maximum ridge height of the dwellings shall not exceed 8m.

Reason: In the interests of neighbouring amenity and to ensure that the development is in keeping with the surrounding properties.

7.4 As noted above, the height of the properties would be approximately 8.8m which exceeds the height of development that was previously restricted under the Outline permission. The applicant has provided a street elevation drawing, which shows the proposed pair of semi's within the context of the neighbouring bungalow to the west and existing semi's to the east. No objection is raised to the ridge height of the properties being greater than the bungalow, which is an exception in the street scene. However, the proposed dwellings would also be noticeably greater in height than the existing pair of semi's and this arrangement would result in an awkward relationship. Consequently, it is considered that the proposed dwellings would appear unduly prominent within the street scene and out of keeping with its

- surroundings. Furthermore, the overhang represents an alien, unsympathetic and unattractive addition within the street scene, to the detriment of the visual amenity of the area.
- 7.5 Planning Policy Wales notes that an objective of good design is sustaining or enhancing local character. PPW goes on to note that the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. It is acknowledged that there are a variety of styles of property in the vicinity and Policy GP6 states that proposals should avoid the inappropriate replication of neighbouring architectural styles. However, the overhang design is entirely out of keeping with the design of neighbouring properties and subsequently the proposed dwelling would jar with the local vernacular. Furthermore, the squat proportions of the glazing and the banding detail are considered to be unsympathetic design features. This can also be said of the rear dormer, although it is appreciated that this will have much more limited visibility from the street scene. The overhang, because of its depth, will create an unwelcome feature that will not contribute positively to the amenity of the street.
- 7.6 Turning to impact on neighbours, the Council's New Dwellings SPG states a distance of 14m should be provided between a protected window and a blank two-storey wall in the interests of neighbouring amenity. The distance between the side elevation of the new dwelling and windows in the side elevation of the neighbouring bungalow would be less than this. However, whilst there are windows serving habitable rooms, they are not directly opposite the two storey element of the nearest property and in any case, the elevations do not face each other squarely but are at an oblique angle which would help mitigate the impact of the proposals on this window and this relationship is considered acceptable. There are no windows in the side elevation of the neighbouring pair of semi's to the east and whilst the nearest of the proposed dwellings would extend rearwards further than the rear elevation of no.14, this part of the property would be single storey and set off the boundary by a metre. This relationship is considered to be entirely acceptable. The relationship with properties at the rear of the site is also considered to be acceptable and first floor windows would be over 10m away from the rear boundary.
- 7.7 The proposed dwellings would provide a suitable standard of amenity for future occupiers with the level of outdoor amenity space compliant with the Council's guidance which requires 1 square metre for every square metre of the units footprint.
- 7.8 In response to the proposals the Head of Streetscene (Highways) has advised that the level of parking provision is acceptable on the basis of the sustainability assessment undertaken which demonstrates the site is located in a sustainable location and a reduction of one space per dwelling is justified. Contrary to the applicant's statement regarding the level of parking provision, the scheme does not provide more parking than required by the SPG. However, the level of parking provision is sufficient on the basis of the sustainability assessment that has been undertaken. The spaces have been increased in length to 5.5m in order to prevent vehicles overhanging the pavement. A condition could be imposed prohibiting structures or planting above a height of 600mm in the interests of highway safety,

if planning permission were forthcoming and also requiring the driveway to be hard paved with suitable drainage.

7.9 Section 106 Planning Obligation matters

Summary

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

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
Regeneration, Investment and Housing	Commutated contribution of £1798 for affordable housing provision based on a 20% target	N/A	Full Heads of Terms	No

Heads of Terms Agreed by Applicant

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

- 7.10 Whilst the applicant has agreed in full to the Heads of Terms no signed legal agreement has been provided for the commuted sum contribution. This would ordinarily be dealt with by a Section 106 Legal Agreement if planning permission were forthcoming. However, Dear Chief Planning Officer letter of December 2018 advised that LPAs should consider including the lack of an obligation as a reason for refusal in order to avoid appellants seeking an award of costs on the grounds that the LPA has introduced a new reason for refusal at the appeal stage.

8. OTHER CONSIDERATIONS

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

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

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

8.2 ***Equality Act 2010***

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

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

9. **CONCLUSION**

9.1 The redevelopment of the site for residential purposes is not objected to in principle and has merit given the urban location of the site and the previous outline permission. However, the scale and design of the dwellings is unfortunate in this case. Whilst inconsistency with neighbouring units can be tolerated, the overall design of these proposed dwellings is considered to be poor. The prominent overhang becomes a defining feature, casting shadow and breaking up the front façade in a manner that is detrimental to the development's appearance. Fenestration detailing is also of concern and the units height, greater than its neighbours, will make it a prominent feature of the streetscene, the design of which

is particularly important in judging its acceptability overall. The scheme is out of keeping and unsympathetic to its surroundings and would be detrimental to the visual amenity of the street scene, contrary to policy GP6 of the NLDP and the Council's New Dwellings SPG. Whilst thought has been given to ways these issues may be overcome, the size of the site and associated constraints limit opportunities to do so for the size of 2 dwellings the applicant seeks in our view.

9.2 It is recommended that the application be refused.

10. RECOMMENDATION

REFUSED

01 By reason of poor design the proposals would be out of keeping and unsympathetic to the character of the area and would result in a detrimental impact to the visual amenity of the street scene contrary to Policy GP6 of the Local Development Plan for Newport 2011-2026 (Adopted January 2015) and the Council's Supplementary Planning Guidance for New Dwellings and Parking (Adopted August 2015).

02 The proposed development will have a significant adverse impact upon interests of acknowledged importance, namely affordable housing. No signed legal agreement has been provided for the commuted sum contribution to assist the Council in meeting its on-going requirement for affordable housing. This is contrary to Policy H4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: 1469:PL:02 Revision A, 1469:PL:107 Revision A, 1469:PL1:06 Revision A, 1469:PL:02 Revision A.

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

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

4.

APPLICATION DETAILS

No: 20/0237 **Ward:** Pillgwenlly
Type: Full (Major)
Expiry Date: 8th June 2020
Applicant: *Associated British Ports*
Site: *15 Tom Lewis Way Alexandra Docks Newport NP20 2WF*
Proposal: **CONSTRUCTION OF PLASTERBOARD MANUFACTURING FACILITY, ASSOCIATED DEVELOPMENT, CREATE NEW ACCESSES OFF TOM LEWIS WAY AND PROVIDE ECOLOGICAL ENHANCEMENT AREAS**

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the construction of a plasterboard manufacturing facility, with associated development including hardstanding, car parking and two new accesses off Tom Lewis Way. The application site is around 4.5 hectares and is located in the southern portion of Alexandra Docks. It is located in between the South Dock and the River Ebbw.
- 1.2 The application is brought before Planning Committee as it constitutes major development.
- 1.3 The main issues to consider in this application are the benefits of generating additional employment and economic activity in the docks, the impact on international, national and local ecological designations, as well as access and parking, impact on flooding, visual and landscape amenity and impacts upon the amenities of neighbouring areas and properties.
- 1.4 In addition to the plans/drawings the application has been supported by a Design and Access Statement, Flood Consequences Assessment, a Transport Statement, an Ecological Impact Assessment, Air Quality Assessment, Noise Impact Assessment, Heritage Impact Assessment, Landscape Visual Impact Assessment, Desk Based Contamination Investigation, Arboricultural Impact Assessment, Construction Environmental Management Plan, Environmental Management Plan, along with landscape drawings and a Green Infrastructure Plan.

2. RELEVANT SITE HISTORY

08/1257	CONSTRUCTION AND OPERATION OF NEW BIOMASS POWER PLANT	Granted with conditions
19/0719	EIA SCREENING OPINION FOR A PLASTERBOARD MANUFACTURING FACILITY	Not EIA development

3. POLICY CONTEXT

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

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

Policy **SP2 Health** promotes development which has a positive contribution to health and well-being by being in a sustainable location, close to walking/cycling routes and green infrastructure.

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

Policy **SP4 Water Resources** favours developments that minimises water consumption, incorporates SUDs and generally manages water resources and drainage effectively

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

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

SP21 Minerals safeguards potential areas for hardrock and sand and gravel resource; protects existing and potential wharves and rail infrastructure at Newport Docks to ensure the continued transportation of aggregate; encourages the use of secondary and recycled aggregates; and considers proposals for the winning and working of minerals.

Policy **GP1 General Development Principles – Climate Change** states that development should be designed to withstand predicted climate change and reduce the risks and consequences of flooding, minimise energy requirements, reuse/recycle construction material and meet the relevant BREEAM or Code for Sustainable Homes Level.

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

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

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

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

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

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

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

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

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

Policy **EM2 Newport Docks** protects the Docks and promotes any development that is complementary to and does not hinder the operational use of the Docks.

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

Policy **T8 All Wales Coast Path** protects the All Wales Coast Path and encourages the enhancement and provision of new links to the path.

Policy **M4 Wharves and Rail** promotes sustainable transportation of aggregate and safeguards existing wharves and rail infrastructure.

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

3.2 The following Supplementary Planning Guidance is also relevant:

- Wildlife and Development
- Parking Standards

3.3 **Welsh National Marine Plan:**

3.3.1 National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of

WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals. The following chapters and sections are of particular relevance in the assessment of this planning application:

- Achieving a sustainable marine economy –
 - Contribute to a thriving Welsh economy by encouraging economically productive activities and profitable and sustainable businesses that create long term employment at all skill levels.
 - Provide space to support existing and future economic activity through managing multiple uses, encouraging the coexistence of compatible activities, the mitigation of conflicts between users and, where possible, by reducing the displacement of existing activities.
- Ensuring a strong, healthy and just society -
 - Contribute to supporting the development of vibrant, more equitable, culturally and linguistically distinct, cohesive and resilient coastal communities.
 - Support enjoyment and stewardship of our coasts and seas and their resources by encouraging equitable and safe access to a resilient marine environment, whilst protecting and promoting valuable landscapes, seascapes and historic assets.
 - Improve understanding and enable action supporting climate change adaptation and mitigation.
- Living within environmental limits
 - Support the achievement and maintenance of Good Environmental Status (GES) and Good Ecological Status (GeS).
 - Protect, conserve, restore and enhance marine biodiversity to halt and reverse its decline including supporting the development and functioning of a well-managed and ecologically coherent network of Marine Protected Areas (MPAs) and resilient populations of representative, rare and vulnerable species.
 - Maintain and enhance the resilience of marine ecosystems and the benefits they provide in order to meet the needs of present and future generations.
- Promoting Good Governance
 - Support proportionate, consistent and integrated decision making through implementing forward-looking policies as part of a plan-led, precautionary, risk-based and adaptive approach to managing Welsh seas.
- Using Sound Science Responsibly
 - Develop a shared, accessible marine evidence base to support use of sound evidence and provide a mechanism for the unique characteristics and opportunities of the Welsh Marine Area to be better understood.

4. CONSULTATIONS

4.1 SOUTH WALES FIRE AND RESCUE: The developer should consider the need for the provision of:-

- a. adequate water supplies on the site for firefighting purposes; and
- b. access for emergency firefighting appliances.

- 4.2 NATS SAFEGUARDING: No objection.
- 4.3 ROYAL SOCIETY FOR THE PROTECTION OF BIRDS: No response.
- 4.4 HEDDLU – GWENT POLICE: No response.
- 4.5 NEWPORT HARBOUR COMMISSIONER: No response.
- 4.6 NEWPORT CIVIC SOCIETY: No response.
- 4.7 GWENT WILDLIFE TRUST: No response.
- 4.8 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: No objection.
- 4.9 DWR CYMRU – WELSH WATER: No comments. It appears the application does not propose to connect to the public sewer.
- 4.10 REGIONAL AMBULANCE OFFICER: No response.
- 4.11 NATURAL RESOURCES WALES:
- 4.11.1 Flood risk: We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you include the following document within the condition identifying approved plans and documents on the decision notice:
- Flood Consequences Assessment by Curtins, Reference 072689-CUR-00-XX-RP-C-001 (Revision - V08), dated 29th April 2020
- 4.11.2 Appropriate Assessment: From the information provided, we consider that the proposal is not likely to have a significant effect on the Severn Estuary Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar and River Usk SAC. We note the Appropriate Assessment (AA) has concluded that adverse effects can be avoided or overcome by implementation of the nine planning conditions listed therein.
- 4.11.3 We agree with the AA that, unless appropriately controlled, the proposal could affect the integrity of the above sites, as follows:
- Disturbance to Qualifying Species from Noise and vibration – birds
 - Disturbance to Qualifying Features from Lighting – Wintering birds
 - Water Quality
- 4.11.4 We agree that the conditions, as set out in the AA, are appropriate to control the potential effects identified in the AA. Provided these are fully implemented and complied with, the proposed development would not adversely affect the integrity of the Severn Estuary SPA, SAC, Ramsar and the River Usk SAC.

4.11.5 Construction Environment Management Plan: We note that condition number 7 within the AA references version 5 of the Construction Environmental Management Plan (Wardell Armstrong, April 2020). We welcome the additions made in Version 5 in line with the advice provided in our letter of 3 April 2020 and advise it is satisfactory to be included as an approved document on any permission granted.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF CITY SERVICES (WASTE): When the business is open we would be happy to quote for trade waste and recycling provision.

5.2 ECONOMIC DEVELOPMENT: No response.

5.3 HEAD OF LAW AND REGULATION (ENV.HEALTH): No objection subject to conditions as follows:

5.3.1 Contamination: a contamination desktop study has been submitted with the application and recommends that a full detailed site investigation is undertaken. A condition is recommended to secure a site investigation, remediation strategy and a verification report following remediation.

5.3.2 Operational noise: a suitable condition is required to secure full details of services plant, external door cladding performance information (full details of the complete door system including frames and seals would be required) and operational restrictions to ensure noise breakout is minimised. Should anything differ from the acoustic report, then a revised assessment would be required.

5.3.3 Construction noise: the acoustic report submitted states that a detailed construction programme is not yet available therefore quantitative predictions of site noise have not been undertaken as yet. As an alternative, the report contains suggested noise limits at nearest sensitive receivers. These are considered to be acceptable.

5.3.4 The acoustic report details control measures for construction noise and vibration in line with guidance given in BS5228:2009 Part 1 Code of Practice for Noise and Vibration Control on Construction and Open Sites. These and other measures have been incorporated into a Construction and Environmental Management Plan which has also been submitted with this application. I am happy with the content of the CEMP and I would recommend a suitable condition be attached to any permission granted requiring the document to be updated as and when necessary.

5.4 HEAD OF CITY SERVICES (LANDSCAPE): This is a large-scale building proposed in an industrial area of similar scale. There are occasional sensitive views to consider from the Wales Coast Path and possibly at longer distance from the Newport Wetlands Centre, in addition the landscape proposal should respond to the site and its immediate context. The landscape package of Landscape and Visual Impact Assessment and Planting Plans is a good response and links well to the ecological recommendations.

- 5.4.1 A new version of the LVIA shows that the view to the Transporter Bridge from a part of Wales Coast Path (WCP) will be blocked by a new development (Appendix A, Figure 4). Neither Heritage Impact Statement nor LVIA mention this fact. The LVIA should refer to the Heritage Impact Statement so that the documents tie up.
- 5.4.2 *Following the submission of a revised LVIA:* The LVIA now acknowledges there will be a block on the view of the transporter bridge from the Wales Coastal Path for up to a 2km section and this needs to be teased out further by the applicant and the findings need to be discussed with NRW and Cadw.
- 5.4.3 The LVA section 3.3.2 does not include the outstanding historic landscape but should (it is referenced at other places in the report).
- 5.4.4 There is a significant distance between viewpoint 8 and 9. Given the LVIA has identified that the proposal will block the bridge for up to a 2km section, it is reasonable that the applicant teases this out by site visit to take photos from a range of points along the 2km section including at West Usk Lighthouse.
- 5.4.5 To illustrate the effect of massing and colour it is necessary to provide photomontage at viewpoint 8 or between 8 and 9. The photomontage should include proposed colour scheme of the development. The colour blue may stand out in the otherwise neutral landscape and become a visual focal point in the landscape for walkers along the WCP.
- 5.4.6 The concluding section 7.3.8 should set out the residual impacts i.e. there will be permanent blocking of the Transporter Bridge from up to a 2km section of the Wales Coast Path including viewpoint 8.
- 5.4.7 The applicant has partially addressed previously raised issues. It is offered by the applicant to substitute *Populus tremula* with *Fagus sylvatica*. The choice of tree species should be driven by ecology advice next to the SSSI/SAC (assuming long lived trees is the EMP objective) and is likely to be oak.
- 5.4.8 Planting frontage along Tom Lewis Road was changed to less regular. Three birches, however, are proposed on a very narrow strip of land squeezed between two kerb lines.
- 5.4.9 Tree pit sections are required, to including method of support and as a minimum to show:
- Tree planting in close proximity to hard surfaces and measures to protect surfaces from root damage. Attention to be given to the provision of adequate root volume for this particular group of trees.
 - Tree planting in soft landscape planting or grass. For this particular site enhanced method of support is required as the site is very windy.
- 5.4.10 The following documents may be conditioned:

Ten years Landscape Management Plan to include some of the infrequent management tasks e.g. thinning, coppicing, SUDS maintenance to ensure that they are picked up. The plan to include long term Japanese Knotweed management as well.

5.5 HEAD OF CITY SERVICES (HIGHWAYS):

Access

- 5.5.1 It is understood that there will be three accesses off Tom Lewis Way (a private road), with an internal movement system for heavy vehicles. This facilitates safe and efficient access within the site, as HGV movements will be separated from staff and visitors travelling by foot, bicycle or car. The site has good access to the strategic highway network.

Parking

- 5.5.2 The parking offered for staff and visitors is 22 car parking spaces plus two spaces for disabled users. The Parking Standards Supplementary Planning Guidance sets out that for B2 Industry there should be 1 parking space per 120m² of floor area. This would indicate that 126 car parking spaces are required. However, operationally it is stated that up to 70 members of staff will be employed, of which only 35 would be on site per shift.
- 5.5.3 Whilst the explanation, as to why the development does not accord to the NCC Parking Standard has some merit, the applicant has stated that only 35 members of staff will be present at any one time. The applicant will provide 22 spaces, to serve the maximum number of staff on site per shift of 35. Whilst accepting some reduction of the parking spaces from 126 makes sense, there is a concern that 35 workers plus visitors plus change over staff will generate a greater demand than 22 spaces. When that shift is nearing completion for example, then the incoming shift workers will expect to see spaces available for their vehicles. Overspill parking should remain on the site.
- 5.5.4 The applicant has suggested that a Travel Plan would include measures to appropriately manage parking, including during the shift change over. Highways are not satisfied with the response in regard to the parking issue and would expect to see an increase in the parking spaces and the details on how they intend to appropriately manage parking, including during the shift change over. Only with an acceptable response on this issue could highway recommend approval of the application.
- 5.5.5 It is understood that the site parking will not materially affect adopted highways as it is adjacent to a private road contained within the Port of Newport, however it would be remiss of the planning authority not to expect the same standards of scrutiny as for other developments, as the port area, as a site can be accessed by other members of the public, who may be on other business within that area.

Cycle Storage Facilities and Motorcycle Parking

- 5.5.6 It is accepted that there has been sufficient area set aside for the cycle storage and motorcycle parking. It is understood the long term cycle storage there will be a cover and means to secure the cycles. The submission and approval of the details of motorcycle

parking and cycle storage facilities, prior to occupation will be set into a recommended planning condition.

Travel Plan

- 5.5.7 In regard to the Travel Plan proposal, it is suggested that an Interim Travel Plan is prepared and submitted to the Council now, to allow the key points to be seen and for them to be agreed and included in any planning condition attached to the grant of any planning permission. This is common practice and it allows for the basis of the Travel Plan to be agreed.

Construction Environment Management Plan

- 5.5.8 Bearing in mind its location in relation to other adopted highways, the other businesses activities in the port area, that regularly generate heavy plant and other vehicular traffic movement. The requirement for providing a CEMP for highway purposes is not considered necessary.

5.9 HEAD OF CITY SERVICES (ECOLOGY):

5.9.1 Birds - Severn Estuary SPA, SAC, SSSI, Ramsar

The Addendum to the Ecological Impact Assessment has provided the report of the 2017 Wintering Bird Surveys undertaken to inform the M4CaN scheme. These surveys comprised observations at nine locations including one area adjacent to the site (point 3), covering the mouth of the River Ebbw and the inlet directly opposite the site. Of all nine locations, Point 3 had the highest counts for all the species recorded during the surveys.

- 5.9.2 The addendum also notes that the surveys were only carried out between October and December, and will therefore miss peak usage for other interest features (e.g. curlew) which are likely to use the site more in January/February. This demonstrates that the mouth of the River Ebbw is an important element of the SPA, supporting significant populations of several of the species for which it is designated. Disturbance of bird populations at this location have the potential to have major negative impacts on the interest features of the Severn Estuary SPA and Ramsar. Conservation Objective for SPA interest feature 7 (internationally important assemblage of waterfowl) requires that *“aggregations [of waterfowl] at feeding or roosting sites are not subject to significant disturbance”*.

- 5.9.3 The report only refers to construction noise and restricting noisy construction activities to the time when it is of least impact. No assessment of impacts from disturbance during the operational phase of the development are provided. Whilst it is understood that birds can habituate to certain levels of noise and disturbance, in short to medium terms there may be a significant negative impact on wintering birds at this location, and consequently the SPA population.

- 5.9.4 The proposal requires a full Appropriate Assessment (AA) under by Regulation 63 of the Conservation of Habitats and Species Regulations 2017. Based on the information provided, we cannot be certain beyond all reasonable scientific doubt that the integrity of

the Severn Estuary SPA will be maintained. NRW will need to be consulted on the outcome of the AA.

Nesting Birds

- 5.9.5 The additional information on the availability (or lack thereof) of suitable habitat for peregrine is suitable to allay concerns over disturbance. The proposed additional nesting provision for passerines is acceptable to mitigate the loss of scrub nesting habitat.

Invertebrates

- 5.9.6 I appreciate the location of the additional habitat enhancement area being provided. I would have preferred if the whole area surveyed could have been committed to create a continuous wildlife corridor.
- 5.9.7 I am happy with the proposed changes to survey timing and that the survey methodology can be agreed prior to occupation.

Nitrogen Deposition

- 5.9.8 An in-combination assessment of nitrogen deposition, as recommended by the guidelines referred to, has not been provided. As this is not directly related to ecological matters, I would refer to relevant expert consultees as to whether this is appropriate.

CEMP, Landscape Plan and EMP

- 5.9.9 The requested changes to the CEMP and EMP have been made and the proposed changes to the planting scheme is acceptable. The CEMP states that a Japanese knotweed plan should be developed to treat the plant recorded on the boundary of the site. This can be secured with a pre-commencement condition.
- 5.10 HEAD OF CITY SERVICES (DRAINAGE): No response.
- 5.11 HISTORIC BUILDINGS AND CONSERVATION OFFICER: No response.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties sharing a common boundary with the application site were consulted (2 properties), a site notice was displayed and a press notice published in South Wales Argus. No responses.
- 6.2 COUNCILLORS: Ward Councillors and members of the Planning Committee were consulted. No responses.
- 6.3 PRE – APPLICATION CONSULTATION: The proposals represent major development and, as required by section 61Z of the Town and Country Planning Act 1990 (as amended) and as set out under Part 1a of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended) the applicant was required to undertake pre-application consultation before this planning application was submitted. The legislation requires the applicant to submit a pre-application consultation (PAC) report

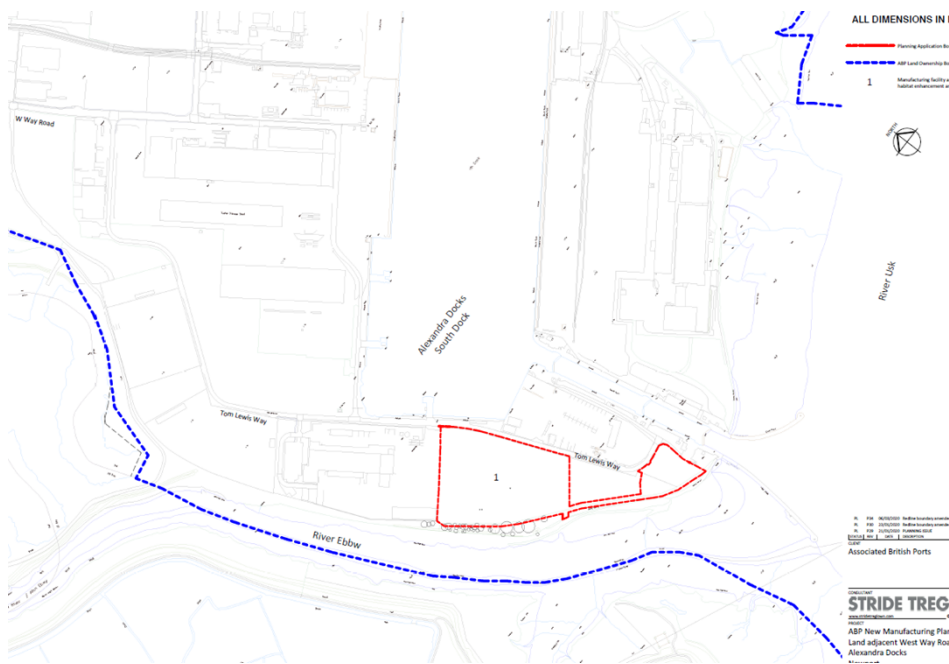
which sets out how they have complied with the legislation and the details of the consultations undertaken.

- 6.3.1 The applicants consulted a number of external bodies including Cadw, Welsh Water, Health and Safety Executive, Natural Resources Wales and Gwent Wildlife Trust. Internal Council consultees included Highways, Environmental Health and Sustainable Drainage Approval Body (SAB). Ward Councillors and all occupiers within the docks were consulted and four site notices were posted. The PAC report lists the responses provided by these consultees.

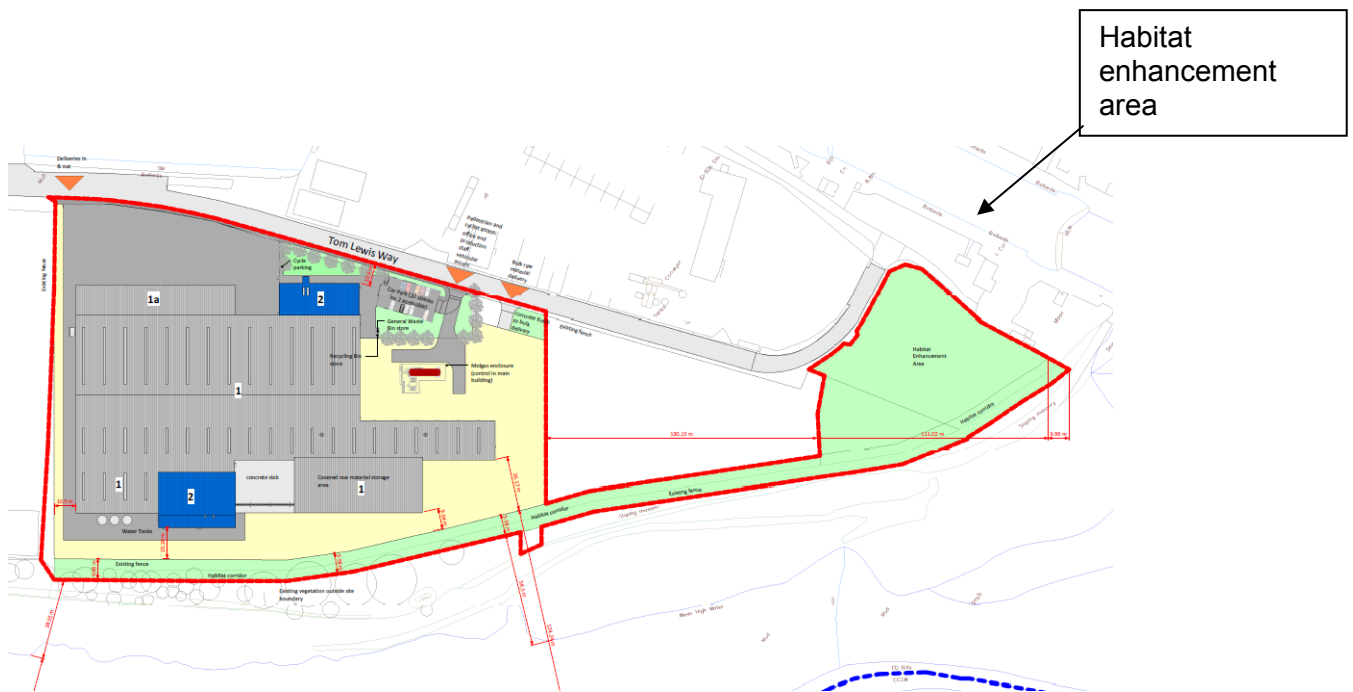
7. ASSESSMENT

7.1 The site

- 7.1.1 The application site comprises an area of unused land located south-west of the South Dock within the Port of Newport (Alexandra Docks). The total site area is 4.52ha, as below.



- 7.1.2 The area of the site to be developed for the proposed manufacturing facility is approximately 3.44ha, as shown below.



7.1.3 The remaining 1.08ha consists of existing vegetation and habitats: namely an area of approximately 0.56ha south of the proposed development site (habitat enhancement area shown above), and approximately 0.52ha of vegetation along the western boundary to be maintained for habitat connectivity.

7.1.4 The site of the proposed facility currently comprises bare ground and asphalt, with exposed foundations and rubble associated with previous uses, and dense and scattered scrub and other vegetation. The site is generally level and is mainly bounded by a mix of fencing and vegetation. Existing gates in the north-east of the site provide access to the site from Tom Lewis Way, which is an internal private dock road. Access into the docks is controlled, and the internal roads are not part of the public highway network.

7.1.5 The application site is subject to the following designations and constraints as set out in the Local Development Plan and relevant Supplementary Planning Policy:

- Within the Urban Boundary;
- Part of the Newport Docks, which has it's own specific policy;
- Within the Developed Coastal Zone;
- Parking Zone 6;
- Partly within flood zone C2 and partly within flood zone B.

7.2 The surrounding area

7.2.1 The application site is bounded by Tom Lewis Way, an internal private dock road, to the east. Across the road to the north-east is the South Dock, and to the south-east is a sand terminal and site operated by Severn Sands Limited. To the north of the site is an area occupied by Speedy Hire which includes a large warehouse and ancillary buildings.

Directly to the south of the site of the proposed manufacturing facility is an approximate 0.8ha area of land, reserved for future strategic port development. Beyond this is a proposed habitat enhancement area within the site, an area of approximately 0.56 hectares. Immediately to the west of the site are areas of vegetation, beyond which is the River Ebbw, beyond which are the Gwent Levels.

7.2.2 The nearest residential area is Tredegar Park, located approximately 1.2km to the west of the site.

7.2.3 The area of the River Ebbw to the west of the site, along with much of the Severn Estuary further south, are within the Severn Estuary Site of Special Scientific Interest (SSSI). West of the River Ebbw and approximately 165m away from the application site is the Gwent Levels St. Brides SSSI. The Severn Estuary Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site covers a section of the River Ebbw west of the application site, located approximately 110m away from the site. The River Usk SAC is also located approximately 365m to the south-east of the site. An area of the River Ebbw to the west and north-west of the site is designated as a Site of Importance for Nature Conservation (SINC).

7.2.4 The following constraints are within close proximity to the application site:

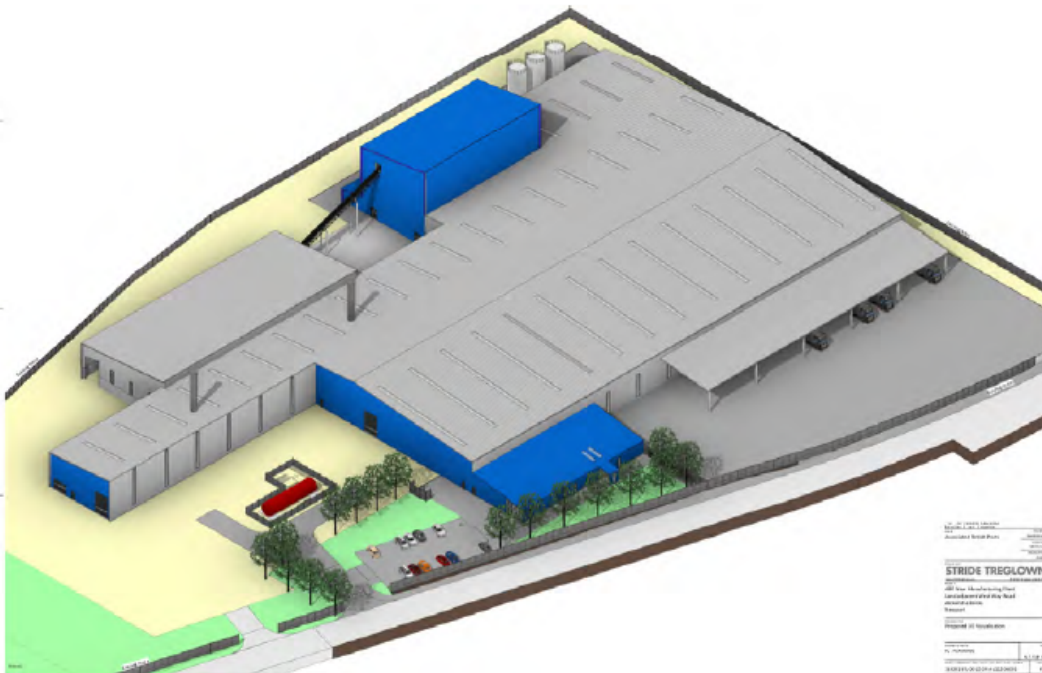
- Severn Estuary SSSI;
- Severn Estuary SPA and Ramsar
- Severn Estuary SAC
- River Usk SAC
- River Ebbw SINC

7.3 The proposals

7.3.1 The proposed development will comprise:

7.3.2 Buildings and structures

The plasterboard manufacturing plant would comprise a warehouse structure enclosing production lines, conveyor belts, storage loading areas and hoppers. The main building will have a maximum height to eaves of approximately 18m and a maximum ridge height of approximately 21m. The predominant eaves height will be approximately 9.2m and the predominant ridge height will be approximately 12.5m. The building will be approximately 202m long at its longest point and approximately 110m wide at its widest point. The building would have total gross internal area of approximately 15,140m², including a mezzanine floor and a covered raw material storage area.



7.3.3 External areas

- A car park with 22 spaces, including two accessible spaces;
- Cycle parking comprising 30 long stay spaces and 15 short stay spaces;
- Distribution yard;
- Raw material processing area;
- Landscaped area;
- Habitat corridor;
- Habitat enhancement area.

7.3.4 Water storage

- Three external water tanks;
- Underground storage tanks for re-use of surplus water from manufacturing process.

7.3.5 Liquefied natural gas storage

- One gas tank with associated plant and fencing.

7.3.6 Waste storage

- Separate general waste and recycling bin stores.

7.3.7 Surface and foul water drainage

- Package foul water treatment plant;
- Surface water drainage network including full retention separator;
- Outfall for surface water and treated foul effluent.

7.3.8 Access and fencing

- Separate accesses into the site;
- Retention of existing fencing.

7.3.9 Process

The production of plasterboard involves several phases. Gypsum is subject to a dehydration process known as calcination. This process removes 15% of the water of crystallisation, allowing the gypsum to harden when mixed with water to form the plasterboard. Once heated, the gypsum is passed through a milling process to reduce grain sizes and is stored in silos.

7.3.10 The plasterboard itself is then formed between two sheets of special paper. Depending on the type of plasterboard being produced, different ratios of gypsum, water and additives are combined in a mixer. On a conveyor belt, this paste is then spread on a paper sheet. A superior sheet is applied on top, and the board is passed through a series of bending roll machines to ensure a consistent thickness and width. Once cut, the plasterboards are dried to remove excess water. Following a quality control check, the plasterboards are conditioned in pallets, labelled and stored ready for distribution.

7.4 **Environmental Impact Assessment**

7.4.1 The applicants sought a Screening Opinion prior to the submission of this application (reference 19/0719). The Council Screened the proposals as they are presented in this application. It was determined that as the proposals are located on a site identified in an up to date LDP for employment uses (EM2 Newport Docks employment land allocation), they constitute an industrial estate development project falling under Schedule 2, 10(a) of the Environmental Impact Assessment (Wales) Regulations 2017. The proposed site area falls below the relevant threshold listed in Schedule 2, 10(a), which is 5 hectares. An Environmental Impact Assessment is not required.

7.5 **Principle of development and economic impact**

7.5.1 Policy EM2 relates specifically to Newport Docks. The policy protects the docks for B1, B2 and B8 uses (the proposed development is a B2 use). It states that the Council will support such development where it can be demonstrated that the development is complementary to and does not hinder the operational use of the port.

7.5.2 The docks has an existing minerals quay which is able to import and store gypsum. It is proposed to deliver Gypsum to the docks via ship, which would be unloaded at the minerals quay, stored in the docks and delivered to the site for the manufacture of plasterboard. The applicants note that Gypsum is of very low value and it is not economic to transport by road ahead of processing and manufacturing. The commercial viability of the proposed plasterboard manufacturing facility is dependent on its location within the docks, as the transportation of gypsum is reduced. The processing of gypsum within a port location is therefore necessary in economic sustainability terms and it is considered to be complementary to other port related activities.

7.5.3 The proposed facility would generate approximately 70 full-time equivalent direct jobs in manufacturing and the office sector. It is also estimated that the facility would support an additional 130 indirect jobs in the supply chain. The facility is expected to operate 24 hours/day over three shifts, year-round. It is therefore considered that the proposal would result in a positive contribution to the local economy.

7.6 **Access, movement, parking and impact on the local highway network**

7.6.1 Access

It is proposed to utilise an existing access off Tom Lewis Way in the north east corner of the site for outbound material by HGV. Two new accesses would be created further south. One of these accesses would be for staff and visitors and the most southerly access would be for the inbound raw bulk material. The access points will separate bulk raw material HGV movements from cars, and from pedestrians and cyclists. The central staff and visitor access would have a separate pedestrian and cycle path. The Councils Highways Officer is satisfied with the access arrangements.

7.6.2 Movement

The three-access points would separate the key site movements, including the separation of HGV movements from cars. A Transport Assessment has been submitted which includes swept path analysis for the operational HGV movements expected. The analysis shows that all HGV movements would be able to enter and leave the site in a forward gear.

7.6.3 Parking

The application site is located within Parking Zone 6. The Parking Standards SPG states that industrial development should provide non-operational parking at a ratio of 1 space per 80m², this equates to 190 spaces. It is proposed to provide 22 parking spaces, which is significantly below the requirements of the SPG. The Highways Officer has noted that there is significant shortfall in the parking provision. They have also noted that at the shift change-over times, there may not be sufficient spaces available, as the shift coming on will want to park the cars up before their shift would start and the previous shift has ended. The Officer has requested a sound argument as to why the parking offered does not meet the parking standards and how the car parking space offered will be adequate.

7.6.4 The applicants have responded to this request. They state that plasterboard manufacturing requires relatively low numbers of staff on-site compared with some other B2 general industry uses. If the parking standards were provided then there would be parking provision far in excess of that required, as there would only be a maximum of 35 staff on-site at any one time (due to a three shift rotation). The applicants consider that it would be an inefficient and uneconomical use of land; and as such it would not make best use of resources. The applicants acknowledge that there will be a higher number of staff employed than car parking spaces provided and as such they consider that appropriate measures to manage parking and support sustainable travel would be implemented through a Travel Plan.

- 7.6.5 The Travel Plan would encourage the use of alternative transport modes over single occupancy car use and, where possible, reduce the need to travel. This plan would include the provision of targets, a monitoring regime and the appointment of a travel plan co-ordinator. It would also include measures to appropriately manage parking, including during shift change-over.
- 7.6.6 The applicant also notes that the application site is located within the docks, which is owned and operated by ABP. In the event of any overspill of parking during shift-change or otherwise, this would be onto Tom Lewis Way: an internal, private dock road with a substantial lay-by. As such, any overspill parking would not impact the public highway or the general public. Nor would it affect or impede traffic within the docks or other dock and users, as some overspill parking could be safely accommodated on the adjacent road or elsewhere within the dock estate if required.
- 7.6.7 The arguments of both parties are understood and on balance it is considered that the applicant has made a reasonable justification for the shortfall in parking provision when assessed against the Parking Standards SPG. It is recognised that the application site sits within the docks (private land) and is around 2km from the nearest public highway. It is therefore considered that, in order to make the development acceptable, it is not necessary to require any additional car parking spaces, as there is no demonstrable harm to public highway safety or the free flow of traffic. Furthermore, the applicant proposes 45 bicycle parking spaces which is in excess of the requirements of the Parking Standards SPG. It is considered that through the implementation of a suitable Travel Plan, alternative modes of transport and car parking management can be achieved, meeting with the aim of Policy SP1 (Sustainability). It is recommended that the Travel Plan is secured through a condition.
- 7.6.8 Impact on the highway network
The Transport Assessment states that the majority of HGV movements would be internal within the dock to transfer raw materials. This is predicted to be an average of 15 (30 two-way) HGV trips per day. An average of 10 (20 two-way) HGV trips are expected to arrive at the site from outside of the port. In addition to raw materials being delivered to the site, the manufactured plasterboard would also generate HGV product trips. This is predicated to be an average of 20 HGV (40 two-way) trips per day.
- 7.6.9 The Transport Assessment includes a trip generation exercise using TRICS. This exercise predicts up to 32 additional two-way trips in the AM peak, which work out to be one additional trip every two minutes. This is considered to have a minimal impact on the local highway network when spread across the opening hours. The Highways Officer is satisfied with these conclusions.

7.7 Ecology

7.7.1 An Ecological Impact Assessment (EclA) has been submitted with the application. The assessment considers the potential effect of the proposal on statutory and non-statutory designated sites, priority habitats, protected and priority species (including bird, bats, reptiles and invertebrates), badger and non-native invasive species (Japanese knotweed).

Statutory designated sites – River Severn SPA, SAC and Ramsar; and River Usk SAC

7.7.2 The site is located in close proximity to a number of international, national and local designations as listed in paragraph 7.2.4. The EclA has identified that the proposal would result in indirect construction effects on these designations, including those arising from noise, vibration, light, air quality and dust emissions, and reducing water quality. There is also the potential for operational effects as a result of noise. Given the proximity of the proposed development to the designated sites and the potential for Likely Significant Effects (LSE), an assessment of the proposal as required under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, is required in order to ensure no adverse effects on the sites' integrity. This is called an Appropriate Assessment, see paragraphs 7.8.1 to 7.8.31.

7.7.3 The Appropriate Assessment concludes that with the imposition of appropriate conditions and their implementation the proposed development would not adversely affect the integrity of the Severn Estuary SPA, SAC, Ramsar and the River Usk SAC. Natural Resources Wales agrees with the outcomes of the Appropriate Assessment as set out in their response, paragraphs 4.11.2 to 4.11.4.

7.7.4 The Councils Ecology Officer has raised concerns that the mouth of the River Ebbw (an important element of the River Severn SPA) supports significant populations of several bird species for which it is designated; and the proposals would result in disturbance to these bird populations as a result of noise, movements of people or plant within their sightline from feeding or resting places.

7.7.5 The applicants have responded to these concerns in an Addendum to the EclA. The Addendum acknowledges that, based on the available information, the intertidal mudflats and saltmarsh habitats within the Severn Estuary SPA and Ramsar to the west of the development site at the mouth of the River Ebbw are important habitats for Dunlin, Redshank, Shelduck and Mallard. The addendum refers to the "Waterbird Disturbance Mitigation Toolkit, *Informing Estuarine Planning and Construction Projects* (Version 3.2, March 2013)" produced by the Institute of Estuarine and Coastal Studies (IECS) University Hull in 2013. The purpose of the toolkit is to assist in determining where impacts to wintering and migrating birds are likely from a proposed development and to inform mitigation measures.

7.7.6 The toolkit has collated a table of data based on research and observations recorded during construction projects (Cutts, Phelps & Burdon, 2009) on the Humber Estuary. This information indicates that "*third parties on bank, intermittent plant and personnel on a crest and irregular piling noise (above 70dB (at the bird i.e. the receptor))*" will cause a high to

moderate disturbance effect to waterbirds in general. Moderate to low disturbance responses include “*long-term plant and personnel on a crest, regular piling noise (above 70 decibels (dB)), irregular and regular noise (50-70dB) and occasional movements of cranes*”. Low disturbance effects include “*noise levels below 50dB and long-term plant only on a crest*”. The toolkit provides information as to the threshold tolerance levels different bird species have to different noise and visual stimuli and describes what constitutes a high, moderate and low noise level effect.

7.7.7 The Addendum states that there is potential for disturbance causing a significant temporary adverse effect to roosting and feeding Dunlin and Redshank during the wintering bird season if high level disturbance (noise levels above 72 dB at the bird) arose from construction activities with a sound power level of 120 dB (e.g. from piling) within 170m of the noise source (i.e. in the absence of mitigation). A Noise Impact Assessment report has been submitted with the application and this details the findings of a preliminary piling noise assessment, whereby worse case construction noise levels associated with piling have been modelled and mapped. This does indicate that due to piling equipment producing sound power levels in the range of 118 dB to 132 dB, piling noise levels within the designation closest to the site could range between 65dB to 85dB. Therefore, piling as the noisiest operation could cause a significant effect on these bird species during the construction phase if piling operations were undertaken when these birds were present during the wintering bird season. The Addendum identifies mitigation measures to prevent these significant effects. These include:

- restricting piling works to outside of the wintering bird period (October to March inclusive);
- Other best practice noise measures to minimise construction noise levels, detailed in a Construction and Environmental Management Plan (CEMP), which is submitted with the application;
- Temporary close boarded screens would be erected along the western and southern boundaries of the application site during the construction phase, to minimise visual and noise disturbance to birds using the estuarine habitats. This is also detailed in the CEMP.

Conditions are recommended to secure this mitigation.

7.7.8 The Addendum concludes that the remaining construction activities would produce lower noise levels compared to piling operations. Notwithstanding this the CEMP details measures to minimise noise levels during construction.

7.7.9 The Addendum further concludes that with the implementation of the mitigation measures there would be no significant effect on the favourable conservation status of the UK winter populations of the Dunlin and Redshank species. Furthermore, no significant effect to the favourable conservation status of these SPA/Ramsar species from visual disturbance during the construction and operational phases of the development is anticipated as these species are tolerant to visual disturbance compared to other waterbird species. Whilst the ground levels would be raised by 2m, the landscape proposals include tree and shrub

planting along the western boundary which would strengthen the screening of movements of people and vehicles around the development site.

7.7.10 The concerns of the Ecology Officer are acknowledged however, it is considered that the information contained within the Addendum satisfactorily addresses those concerns and there is no further compelling evidence which would indicate a different conclusion. The mitigation measures identified would ensure no significant effects on the bird species identified. The mitigation measures can be secured through appropriate conditions.

Priority habitats, protected and priority species, badger and non-native invasive species

7.7.11 There would be permanent habitat loss as a result of the proposed development. Field surveys and assessments have been undertaken and are presented in the EclA.

7.7.12 Open mosaic habitats on previously developed land and ephemeral/short perennial and scattered scrub mosaic (ESP/SS) is present on the development site and these are identified as priority habitats. The site also contains dense shrub of local conservation value. Approximately 1.1ha of ESP/SS habitat would be lost as a result of the proposed development. As such, mitigation and compensation measures to offset the impact of the development on biodiversity are proposed as part of the proposed development.

7.7.13 The application includes 0.56 hectares of on-site Habitat Enhancement Area (HEA), which would be to the south of the plasterboard manufacturing facility development. The site would be managed to ensure EPS/SS habitat type is maintained and enhanced. In addition the applicant would provide 1.13 hectares of off-site Additional Habitat Enhancement Area (AHEA) within the wider docks estate. As the applicant has control over this land, its delivery can be secured. It is proposed to fence off this area under permitted development rights (fencing under 2m in height) and signage erected to ensure that tenants within the dock area are aware that this site is managed for biodiversity. In the long-term, this will retain ephemeral / short perennial and scattered scrub habitat to compensate for the loss of this habitat type to the proposed development.

7.7.14 Both enhancement areas would require on-going management. An Ecological Management Plan (EMP) covering a 20 year period has been submitted with the application. The EMP covers the on-site HEA but not the off-site AHEA. The Ecology Officer is satisfied with the content of the EMP for the on-site HEA and this is secured through a condition. The Ecology Officer is also satisfied that an EMP for the off-site AHEA can be secured through a condition.

7.7.15 The submitted EclA identifies the presence of bird, bats, reptiles and invertebrate species on the development site at the time of the survey. The EclA concludes, that the proposed development would not give rise to significant effects on these species provided that there are measures in place to maintain and enhance biodiversity in and around the site once the site is operational. These include:

- The retention and creation of a total of 1.69 hectares of land which would be managed to ensure EPS/SS habitat type is maintained. This would retain suitable habitat on site for a range of terrestrial invertebrates as well as providing foraging habitat for bats and birds;
- 0.52 hectares of habitat corridor between the built development and the River Ebbw to the west would encourage ecological connectivity and enhance biodiversity.

7.7.16 Ecological enhancements proposed to provide a net benefit for biodiversity include:

- Planting within the proposed development comprising native species of local provenance;
- Enhancement of retained areas of ESP/SS;
- Provision of hibernacula and log piles providing suitable habitat for invertebrates as well as reptiles;
- Two bat boxes and 32 bird boxes mounted on poles within the retained scrub along the southern and western boundary of the site.

7.7.17 The Ecology Officer has stated that they would have preferred if the whole area surveyed could have been committed to create a continuous wildlife corridor however, there no objection is raised to the ecological and biodiversity mitigation, compensation and enhancement proposed. This is considered to be in accordance with policies SP9 and GP5; and the Wildlife and Development SPG. The following conditions are recommended:

- compliance with the Environmental Management Plan (HEA);
- the provision of the AHEA and the submission of an Environmental Management Plan for this area;
- the submission of a plan for the eradication of Japanese Knotweed.

7.8 **Appropriate Assessment**

7.8.1 The application site is within the Newport Docks area and the Severn Estuary Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site is located approximately 100m from the application site at its closest point. The River Usk SAC is located approximately 290m to the south of the application site.

7.8.2 The Severn Estuary has been designated a SPA and SAC as it supports populations of European importance of over wintering species of Bewick's Swan, over wintering migratory species of Gadwall, European White fronted goose, Dunlin, Shelduck and Redshank and internationally important assemblage of waterfowl. This authority is advised that the Bewick's swan feature is not found in the Welsh part of the SPA, so there is no need to consider impacts on this feature further in the Appropriate Assessment. Similarly, Gadwall now qualify but are associated with fresh water discharges across the SPA foreshore, mostly in England and therefore do not need to be considered here.

7.8.3 Feeding and roosting over wintering birds can be disturbed by movements (visually) and sudden noises. Bewick's swans are found within Newport's Wetlands so would be mainly affected from the landward side. There is intermittent disturbance to the internationally important migratory species and waterfowl assemblage from both the landward and

seaward side of the SPA which has increased in recent years, due to the estuary becoming more populated and the development of all weather recreational pursuits. Birds using all supporting habitats are currently highly vulnerable to noise and visual disturbance.

7.8.4 The relevant conservation objectives of the SPA are:

- to maintain the population size of the above mentioned species and assemblages;
- to maintain the extent of supporting habitats of the above mentioned species and assemblages;
- to ensure aggregations of the above mentioned species at feeding, roosting and refuge sites are not subject to significant disturbance;
- to ensure that unrestricted bird sightlines of >200m at feeding and roosting site are maintained for the Dunlin, European white fronted goose, Redshank and Shelduck and at >500m for internationally important assemblage of waterfowl.

7.8.5 The detailed conservation objectives of the SPA are attached in *Appendix A*.

7.8.6 The Severn Estuary also qualifies as a Ramsar site by meeting a number of criteria which include its importance as a run of migratory fish between the sea and the river, its importance for migratory birds, it supports over 20,000 waterfowl in winter including internationally important populations of five species of waterfowl. Ramsar sites are not covered in the same way as EU sites and it is not therefore necessary to consider them as part of the Appropriate Assessment.

7.8.7 The mudflats support dense populations of marine invertebrate species, which provide a food source for the large populations of waterfowl and many species of fish. The fish fauna of the Severn Estuary is very diverse. The estuary is one of the most important British estuaries for several rare species, including River Lamprey, Sea Lamprey and Twaite Shad. Sea and river lampreys spend their adult life in the sea or estuaries but spawn and spend the juvenile phase in rivers. The River Usk is included in this and forms a migratory route for sea and river lampreys. Three of the four confirmed UK spawning populations of Twaite Shad are in the River Usk. The shad enter estuaries in spring and move up into the rivers to spawn. These features are vulnerable to effects from contamination but also from sound and vibration. Impacts at particular times of the year (e.g. spring for the spawning fish) are to be avoided.

7.8.8 The River Usk is designated as a Special Area of Conservation (SAC). It is designated a SAC as it supports the species of Allis Shad, Twaite Shad, Bullhead, River Lamprey, Brook Lamprey, Sea Lamprey, Atlantic Salmon and Otter. The conservation objectives of the River Usk SAC are attached in *Appendix B*

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

Scoping out of Appropriate Assessment – Stage 1

7.8.10 The applicant has submitted a Technical Report to Inform Habitats Regulation Assessment. That report concludes that the development either alone, or in combination with other plans and projects, is not likely to result in a significant effect on a number of the qualifying features of the designation sites, these are:

- No habitats within the designations would be lost as a result of the proposed development;
- No loss of intertidal feeding area for birds, no likely significant effect on the qualifying bird species of the SPA and Ramsar from habitat loss alone;
- No loss of habitats within the Severn Estuary or River Usk, no likely significant effects on the qualifying fish species of the designation sites from habitat loss;
- No loss of riparian otter habitat;
- No European designations within the distances described within the Air Quality Management Guidance, no likely significant effects from dust emissions during the operational phase predicted;
- Raising ground levels and appropriate design standards would result in no likely significant effects on water quality during the operational phase.

Scope In – Stage 2

7.8.11 The Technical Report to Inform Habitats Regulation Assessment concludes that the following aspects of the proposed development may affect a European site and should be included in the scope of the assessment:

- All works within the designated site boundary; and
- The indirect construction and operational phases of the development outside of the designated site boundary.

7.8.12 The report concludes that the construction and operation of the proposed development of the proposed development could result in likely significant effects from disturbance effects (noise, water pollution and lighting) and air quality emission effects on the European designations.

7.8.13 The Habitats Regulations require assessment of the in-combination effects, the following projects within 2km of the application site have an extant planning permission:

16/0798	Proposed extension to existing production/processing facility – Island Steel, 1 North Road, Alexandra Docks	Extant
18/0360	Erection of an asphalt plant and associated ancillary development – 16 West Way Road	Extant
19/0599	Variation of conditions 1 (approved plans) of planning permission 17/1185 for the variation of conditions for bulk drying and pelleting facility with onsite energy centre, open store bays, site access and parking, security gate house, site office and workshop and	Extant

	elevated conveyor to the quay. Application accompanied by an addendum to original environmental statement	
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Disturbance to Qualifying Species from Noise and vibration

Birds

- 7.8.14 The operation of the Plasterboard Manufacturing Factory has the potential to generate noise, which could affect the birds using the European designations. A noise assessment has been submitted with the application. The noise report includes modelled noise levels both during the daytime and night-time periods for the operational phase of the development. The noise contour plan shows the daytime and night-time modelled noise levels and how they propagate around the site.
- 7.8.15 The noise assessment shows that the ambient day time noise levels along the eastern bank of the River Ebbw closest to the development site during the operational phase are predicted to lie between 50 dB LAeq and 55 dB LAeq. The night time noise levels during the operational phase would be between 50 and 55 dB LAeq along the eastern bank of the River Ebbw closest to the development site.
- 7.8.16 The submitted Technical Report references guidance produced by the University of Hull Institute of Estuarine and Coastal Studies. This guidance describes a low level noise event as one which is under 55dB at the bird's location; and those events are unlikely to cause disturbance in water birds using intertidal habitats.
- 7.8.17 As the proposed modelled noise levels for both the day and night-time periods are predicted to be 55 dB (A) or below along the eastern boundary of the River Ebbw, the submitted Technical Report concludes that no significant adverse effects on the bird species using the European designations during the operational phase or in-combination effects are predicted. The noise report makes recommendations for the control of noise from the site and the predicted noise levels are based on a number of assumptions/inclusion of noise insulation measures. To ensure the noise levels do not exceed those predicted it is considered necessary to impose conditions which require operational compliance with good practice/best available techniques set out in the noise report and the submission of details relating to building and door cladding and services plant (conditions 16 and 8).
- 7.8.18 Additional assessment contained within an Addendum to the EclA highlights that there is potential for disturbance causing a significant temporary adverse effect to roosting and feeding Dunlin and Redshank during the wintering bird season if high level disturbance (noise levels above 72 dB at the bird) arose from construction activities with a sound power level of 120 dB (e.g. from piling) within 170m of the noise source (i.e. in the absence of mitigation). A Noise Impact Assessment report has been submitted with the application and this details the findings of a preliminary piling noise assessment, whereby worse case construction noise levels associated with piling have been

modelled and mapped. This does indicate that due to piling equipment producing sound power levels in the range of 118 dB to 132 dB, piling noise levels within the designation closest to the site could range between 65dB to 85dB. Therefore, piling as the noisiest operation could cause a significant effect on these bird species during the construction phase if piling operations were undertaken when these birds were present during the wintering bird season. The Addendum identifies mitigation measures to prevent these significant effects. These include:

- restricting piling works to outside of the wintering bird period (October to March inclusive) (condition 19);
- Other best practice noise measures to minimise construction noise levels, detailed in a Construction and Environmental Management Plan (CEMP), which is submitted with the application (condition 17);
- Temporary close boarded screens would be erected along the western and southern boundaries of the application site during the construction phase, to minimise visual and noise disturbance to birds using the estuarine habitats. This is also detailed in the CEMP (condition 17).

These mitigation measures can be secured through appropriate conditions, as listed.

Fish

7.8.19 Underwater noise and vibration caused by construction activities has the potential to disturb fish species which could adversely affect their migration. However, the Technical Report concludes that as the development site is not located immediately adjacent to the Severn Estuary and River Usk designations. As construction including piling would not take place within or immediately adjacent to these watercourses or banks and mudflats, there would be no significant adverse effect on these species from noise or vibration during the construction of the development.

Disturbance to Qualifying Features from Lighting

7.8.20 Increased light levels have the potential to temporarily disturb foraging and roosting wintering birds using the Severn Estuary SPA and Ramsar, if the construction works are undertaken during hours of darkness between November and February. There is also potential for in-combination effects if lighting is used at other cumulative impact sites at the same time.

7.8.21 The Technical Report and Construction Environmental Management Plan (CEMP) state that there would be no night-time working between November and February or when the air temperature is below freezing due to potential adverse effects on SPA and Ramsar birds. The CEMP sets out a sensitive lighting scheme to minimise light spill onto retained habitat and ecologically sensitive receptors. It is considered necessary to secure the precise details of the lighting scheme through a condition (condition 5) and compliance with the CEMP would be secured through condition 17. With the imposition of these conditions it is considered that there would be no significant adverse lighting effects arising from the project alone or in-combination with other cumulative impact sites on the ecological integrity of the Severn Estuary SPA and Ramsar.

Water quality

- 7.8.22 The proposed development site lies outside of the boundary of the designations, however given their proximity and connectivity via the River Ebbw, there is the potential for water quality to be reduced through contamination during construction. There is also potential for in-combination effects from construction activities at cumulative impact sites if undertaken at the same time.
- 7.8.23 The submitted CEMP sets out measures to prevent pollution, prevent spills and leaks, the storage of chemical and procedures for the use of specific materials to reduce the risk of accidents and to ensure that water quality is adequately protected. The CEMP would be secured through condition 17 and a further directional condition requiring the safe storage of oils, fuels and chemicals (condition 18), along with conditions requiring details of oil and petrol interceptors (condition 7) and a contamination investigation, remediation strategy and a completion/verification report (condition 2) are also recommended. With the imposition of these conditions it is considered that there would be no significant adverse effects in relation to water quality from the project alone or in-combination with other cumulative impact sites on the ecological integrity of the Severn Estuary SPA and Ramsar.

Air Quality

- 7.8.24 An Air Quality Assessment has been carried out to predict pollutant concentrations due to emissions of NO_x at designated sites, which include 15 ecological receptor points within the Severn Estuary SAC and SSSI, River Usk SAC and SSSI; and the Gwent Levels SSSI.
- 7.8.25 Atmospheric Emissions of NO_x: the assessment shows the Predicted Environmental Concentrations (PEC) are below the critical load for NO_x, as such there are no likely significant effects from the operation of the Plasterboard Manufacturing Plant on vegetation within the European statutory designations.
- 7.8.26 Assessment of effects of Nitrogen Deposition- Dry Deposition NO_x: the assessment shows that no likely significant effects from dry deposition of NO_x is expected on the saltmarsh component of the estuary feature of the Severn Estuary SAC.
- 7.8.27 Assessment of effects of Nitrogen Deposition- Wet (Acid Deposition) NO_x: the assessment shows that no likely significant effects from wet deposition of NO_x is expected on the saltmarsh component of the estuary feature of the Severn Estuary SAC.
- 7.8.28 Assessment of effects of Total Nitrogen Deposition- NO_x: the assessment shows that no likely significant effects from total nitrogen deposition of NO_x is expected on the saltmarsh component of the estuary feature of the Severn Estuary SAC and SSSI.
- 7.8.29 The air quality assessment also concludes that no cumulative/in-combination impacts are expected. In summary, no likely significant effects on designated sites is predicted from NO_x emissions during the operational phase of the development and in-combination with

other proposed developments on the saltmarsh components of the Severn Estuary designations. Therefore, no indirect likely significant effects on qualifying fauna species which depend on these habitats is predicted either.

Conclusion of Appropriate Assessment

7.8.30 It is considered that the inclusion of the above conditions would mitigate for any adverse effects on the Severn Estuary SPA, SAC, Ramsar and the River Usk SAC.

7.8.31 In addition, whilst the Technical Report to inform the Appropriate Assessment scoped this matter out of the Appropriate Assessment it is considered necessary to impose a condition requiring details of foul and surface water drainage (condition 6). This condition would ensure adequate drainage is provided with consideration of the special features of the designations.

7.8.32 It is therefore considered that provided the following conditions are fully implemented and complied with, the proposed development would not adversely affect the integrity of the Severn Estuary SPA, SAC, Ramsar and the River Usk SAC.

7.9 Landscape and visual impact

7.9.1 A Landscape and Visual Appraisal (LVIA) has been submitted with application. It considers the potential effects of the proposed development upon the landscape and the impacts on visual amenity.

7.9.2 The application site does not lie within any landscape designations, although it does form part of the Gwent Levels. The Gwent Levels Landscape Character Assessment describes the site and its immediate setting as built-up land and is heavily influenced by the docks, the industrial context to the east of the River Usk and the power station to the south east. The overall sensitivity of the site and its immediate setting to the type of development proposed is therefore considered low.

7.9.3 It is considered that the impact of the proposed development would be from the construction of a new building and the loss of scrub during the construction period to create the hardstanding and building platform. It is considered that the magnitude of the impact on the site and its immediate setting during construction would be low, given its industrial context. The retention of a corridor of scrub habitat along the western boundary, along with structural planting are considered to have a beneficial impact.

7.9.4 The proposed development would largely be viewed by people at places of work in the and around the docks and along the eastern banks of the River Usk, plus users of the Wales Coastal Path and the Newport Wetlands National Nature Reserve. Wider views of the site would be limited and would be seen against the existing docks development.

7.9.5 The Councils Landscape Officer has raised concerns in relation to the proposed building blocking of views of the Transporter Bridge from the Wales Coastal Path. As this is a

heritage issue it is covered in section 7.10. The Landscape Officer also raises concern regarding the palette of external materials to be used for the proposed. There is concern that colours such as blue would stand out against the more grey and muted tones of the surrounding docks buildings and structures. A condition is recommended to ensure that the precise palette of materials is agreed prior to construction.

Landscaping proposals

7.9.6 The landscape proposals incorporate the ecological compensation and enhancement measures; and together represent a Green Infrastructure plan. The proposals include the following:

- A Habitat Enhancement Area (HEA) in the south of the site comprising an area of land retained for ecological mitigation and enhancement;
- Provision of a 10m landscape buffer along the western boundary extending south and connecting to the HEA;
- New structural planting along the northern boundary;
- Amenity grass seeding and planting towards the eastern boundary around the entrance from Tom Lewis Way;
- Removal of vegetation to facilitate development would be minimised as much as possible, restricted to the clearance of self-colonised area of scrub within the footprint of the hardstanding areas and built form.

7.9.7 The Landscape Officer has noted that the choice of tree species should be driven by ecology advice. The Ecology Officer has confirmed that they are satisfied with the landscaping proposals.

7.9.8 The Landscape Officer also requires further information regarding tree planting and their method of support. A condition is recommended which requires the implementation of the landscaping scheme, the replacement of any planting, including trees which die or are damaged, along with their maintenance for 10 years, in accordance with an approved management plan.

7.9.9 Overall, it is considered that the impact of the proposed development on the landscape is acceptable. The building would largely be seen against the industrial setting of the docks, which is not protected by any landscape designations. Notwithstanding its urban and industrial setting, it is considered that the proposal would provide significant enhancements to habitats and landscaping along the western boundary which would help to diminish the built form when viewed from western vantage points. On balance it is considered that the proposed development would not have a harmful impact on its landscape setting.

7.10 Impact on Heritage Assets

7.10.1 The site is located 140m east of Historic Character Area 15 Eastern St Brides which forms part of the Gwent Levels Historic Landscape Area (HLA), a designated Historic Landscape of Outstanding Historic Interest. A Heritage Impact Assessment (HIA) has been submitted with the application. The report assesses the potential impact of the proposed

development on the significance of the Gwent Levels HLA within the vicinity of the site. The assessment concludes that the site does not provide any contribution to the understanding of the heritage values of the Gwent Levels HLA and neither positively nor negatively contributes to its setting.

7.10.2 The Landscape and Visual Appraisal (LVIA) has identified that views to the Transporter Bridge from part of the Wales Coastal Path would be blocked by the proposed development. The Transporter Bridge is listed at grade 1* and is a significant heritage asset. An Addendum to the Heritage Impact Assessment has been submitted which specifically assesses the impact upon the Transporter Bridge.

7.10.3 The assessment characterises the Bridge as having high evidential, historical, aesthetic and communal value. The assessment notes that there are long distance key views of the bridge from local beauty spots in the surrounding hills to the north and west of the City. The views of the bridge are clearly identifiable on the skyline despite the backdrop of the heavily industrialised dock area to the south. These views contribute to the communal value of the asset and the backdrop of the industrial area contributes to the historic understanding and interpretation of the bridge, and why the bridge was built in the first place.

7.10.4 The view identified in the LVIA is shown below:



7.10.5 The photoview illustrates that whilst the bridge is identifiable, it sits within a horizon inclusive of cranes, buildings and other structures at the docks which partially screen it. The HIA addendum considers that this view across the site has a very limited appreciation of the Bridges' significance and the view does not contribute to its high evidential and historical values. The Bridge is seen in the context of existing industrial features which reduce its prominence and weaken an appreciation of the aesthetic value from this location.

7.10.6 The Addendum also notes that the Bridge moves in and out of views along the Wales Coastal Path and there are other views of the Bridge from the Path. The Addendum provides views from other positions along the Path, including the view below, which is

further north along the Coastal Path. It can be seen from this view that the Bridge is more clearly defined and would be unaffected by the proposed development.



Plate 6: View north-east towards the Transporter Bridge from the WCP further north than plate 5.
Site to right of photo.

- 7.10.7 The Historic Buildings and Conservation Officer has not commented on the Heritage Impact Assessment and Cadw do not respond to planning consultations, as set out in their Pre-Application Consultation response, contained within the PAC report.
- 7.10.8 The Landscape Officer recommends that as the LVIA has identified that there would be up to a 2km section of the Wales Coastal Path where there would be blocked views of the Transporter Bridge, that this should be teased out further in consultation with Natural Resources Wales (NRW) and Cadw. As indicated above Cadw do not provide advice in relation to planning applications and NRW do not have a remit over heritage assets. The Landscape Officer also recommends that further photos are taken from a range of points along the 2km section including at West Usk Lighthouse.
- 7.10.9 The comments of the Landscape Officer are noted however, it is considered that the Heritage Impact Assessment and LVIA has sufficiently addressed the impacts of some limited restricted views of the Transporter Bridge; and it's significance upon its historical and evidential values. Overall it is considered that these losses or restricted views would not be significant and other views, such as the one above and those to the north and west of the City, provide significantly better vantage points of the Bridge, which illustrate its heritage values.
- 7.11 **Archaeology**
- 7.11.1 The application site is not within an Archaeologically Sensitive Area, nor is it part of the Gwent Levels Registered Landscape of Outstanding Historic Importance. The Glamorgan Gwent Archaeological Trust (GGAT) advise that the area was considerably changed for the construction and extension of the South Dock and sealock, which led to the infilling of the Ebbw and the change in its course. Previous archaeological work undertaken on the

site included forty test pits, which recorded the depth of the early 20th century land surface, and that the infill to make the ground was from the excavation for the dock and lock. There is made ground of a depth of at least 2.5m below ground level (bgl), with deepening to around 4m bgl. The construction of the proposed development would involve piling and it is likely that the means of achieving this will be set within the made ground. GGAT advise that it is unlikely that archaeologically significant remains would be encountered during the construction and they have no objection to the proposals.

7.12 **Air Quality**

7.12.1 This section assesses the impact of the proposed development in relation to air quality from a human health perspective. The impact of air quality on ecological receptors is covered in the Appropriate Assessment (paragraphs 7.8.1 to 7.8.31). The application site is not within an Air Quality Management Area nevertheless given the industrial nature of the development an Air Quality Assessment (AQA) has been submitted with the application.

7.12.2 The assessment considers the effects of air pollutant emissions from traffic using the adjacent roads, combustion emissions associated with the proposed development and the likely impact of construction on the air quality of the local environment.

7.12.3 The assessment concludes that the proposal would generate limited traffic movements and the flue design means that pollutants are dispersed before they reach sensitive receptors. As such the impact from traffic and combustion emissions would be negligible.

7.12.4 In terms of non-combustion process emissions the only process that create dust would be inside of the building. All air expelled from the factory would go through sleeve filters to collect dust so there would be no dust emitted outside of the building. All movements of gypsum will also occur inside a closed area that will also vent through the filters.

7.12.5 Overall, given that the nearest residential dwelling is around 700m from the application site and there are measures to prevent emissions of pollutants from processes, with limited traffic movements, it is considered that the impact on air quality is acceptable. The Councils Environmental Health Officer does not raise any comments in this respect.

7.13 **Contamination**

7.13.1 A Phase 1 Geo-environmental and Geotechnical Desk Study has been submitted with the application. The study shows that there is a low risk of contamination associated with the made ground of the site, with the exception to the potential presence of asbestos. The study considers that any made ground containing unacceptable concentrations of contaminants or asbestos would likely be mitigated using a traditional 'cap and cover' system. Ground gas concentrations were observed during field monitoring. The risk of ground gas migration and accumulation would need to be mitigated by a robust gas protection system during and after construction. The Environmental Health Officer notes the conclusions of the study and recommends a condition to secure a full site investigation, remediation strategy and a verification report following remediation.

7.14 **Noise**

7.14.1 The application site is located in an existing industrial area. The nearest residential property is around 700m away and the closest residential estate is around 1.2km away. A Noise Impact Assessment has been submitted with the application. The report gives recommendations for the control of noise from the site and the predicted noise levels are based on a number of assumptions and the inclusion of noise insulation measures. To reduce the noise impact the following is proposed:

- Articulated lorries 'goods-out' have direct access to Tom Lewis Way;
- Silo feeder loading operations to be enclosed;
- Access road for tipper lorries designed to minimise the use of reversing beepers;
- Main building access doors on critical western elevation and returns to be acoustically rated including large/roller shutter doors;
- Reversing alarms to be broadband self adjusting volume systems;
- Yards and access roads to be smooth/no speed humps to avoid impact noise and noise from accelerating/braking;
- External fork lift operations to be on eastern side of factory away from closest residential receivers;
- Building services plant and main flues/intakes/discharges to be designed to a source limit of 60dB(A) at 3m in order to meet noise criteria at residential receptors;
- All building plant to be supported independently (vibration isolation) of the main lightweight factory structure to avoid structure borne noise/drumming; and
- All external doors on western elevation and returns to remain closed at night in particular.

7.14.2 The Environmental Health Officer has no objection to the proposal in terms of the impacts from noise however, it is recommended that conditions are imposed to ensure operational compliance with good practice/best available techniques set out in the noise report and the submission of details relating to building and door cladding and services plant. These conditions are also recommended to ensure ecological receptors are protected.

7.14.3 Construction Noise

The acoustic report submitted states that a detailed construction programme is not yet available therefore quantitative predictions of site noise have not been undertaken as yet. As an alternative, the report contains suggested noise limits at nearest sensitive receivers. The Environmental Health Officer considered these acceptable. The Officer notes that measures to control noise and vibration are incorporated into a Construction Environmental Management Plan (CEMP). The Officer is satisfied with the content of the CEMP and recommends that it is updated as and when necessary i.e. as more detailed construction proposals become available.

7.15 **Flood Risk**

7.15.1 The application site is predominantly located within flood zone C2, with a small area in the north east within flood zone B. Flood Zone C2 is defined as an area of flood plain without

significant flood defence infrastructure. Technical Advice Note 15 (Development and Flood Risk) states that only less vulnerable development should be considered in zone C2, subject to application of the justification test, including acceptability of consequences. General industry is categorised as less vulnerable development. TAN 15 states that, all new development, other than highly vulnerable development, should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development will only be justified if it can be demonstrated that:

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

ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and,

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

and,

iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 of TAN 15 are found to be acceptable.

7.15.2 The proposed development is considered to meet the tests i to iii, as the proposal would be part of the local Authority's regeneration initiative to re-use under used and vacant land, it would contribute to the generation of employment and it is considered to be previously development land.

7.15.3 Section 7 of TAN 15 states that whether a development should proceed or not will then depend upon whether the consequences of flooding of that development can be managed down to a level which is acceptable for the nature/type of development being proposed, including its effects on existing development. This will require an assessment examining the likely mechanisms that cause the flooding in the locality, and the consequences on the development of those floods.

7.15.4 A Flood Consequences Assessment (FCA) has been submitted with the application. The Assessment shows that based on a finished floor level of 9.63m AOD the proposed building is predicted to be flood free in the 0.5% (tidal flooding) plus climate change flood event. However, the wider site and access points are not entirely designed to be flood free. Section 4.14.2 of the FCA states that *"The site has been designed to ensure where possible the levels across the site are above the flood level of 9.24m AOD. This has been achieved for the building, surrounding external hardstanding and the majority of the proposed car park, however there are some areas across the wider site and within the car park where this is not achievable due to the requirement to tie into the existing boundary levels"*.

7.15.5 The FCA shows that the following flood depths are predicted during the 0.5% plus climate change flood event based on the flood level of 9.240m AOD:

External Hardstanding	– 9.630 to 9.250m AOD	= Flood Free
Car Park	– 9.450 to 8.850m AOD	= Floods up to 390mm
Site Access 1	– 9.000m AOD	= Floods up to 240mm
Site Access 2	– 9.250 to 8.650m AOD	= Floods up to 590mm
Site Access 3	– 9.250 to 8.600m AOD	= Floods up to 640mm

7.15.6 The applicant states that only limited parts of the overall site, including a small part of the car park area, site access points, small parts of the service yard and that part of the site closest to the river embankment do not meet the criteria of A1.14 of TAN 15, which requires development to be flood free during 0.5% tidal flood event. These areas are the edges of the site where the levels of the site will be required to fall away to tie into surrounding ground levels. Natural Resources Wales states that taking into account the nature and location of development, i.e. a manufacturing building within an established industrial setting, planning permission should only be granted if compliance with the submitted FCA is secured through a condition. It is recommended that the FCA is included within condition 1.

7.15.7 Section A1.15 of TAN 15 sets out tolerable conditions for different types of development in terms of velocity and depth of flood waters. For industry the following conditions are provided by TAN 15:

Type of development	Maximum depth of flooding (mm)	Maximum rate of rise of floodwaters (m/hr)	Maximum speed of inundation of flood risk area (hrs)	Maximum velocity of floodwaters (metres/sec)
Industrial	1000	0.3	2	0.3 to 0.45

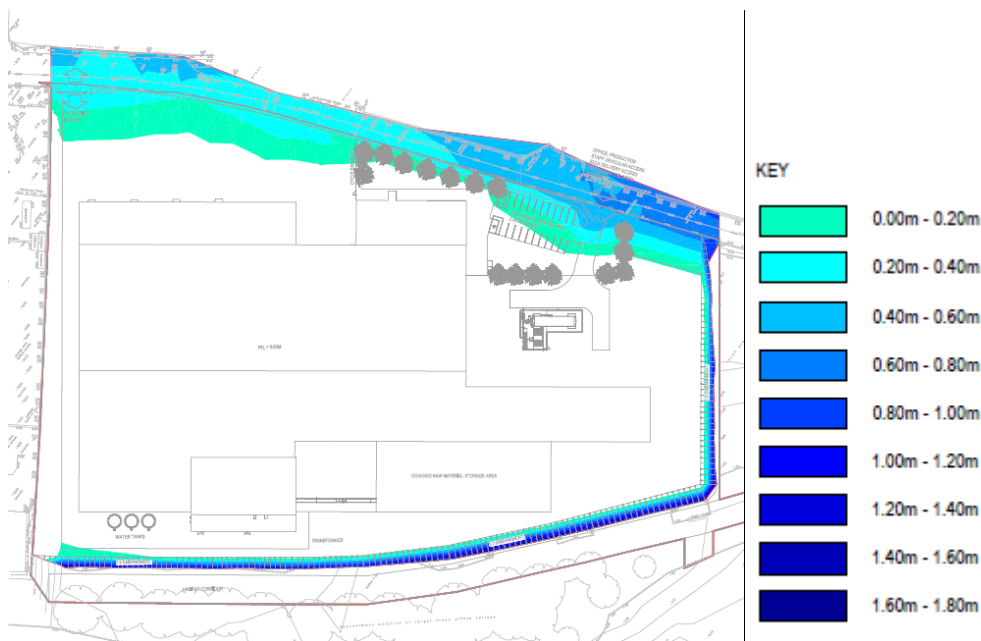
7.15.8 The FCA shows that the building would be flood free during the 0.1% plus climate change event (fluvial flooding) and the remaining parts of the site would have the following flood depths:

External Hardstanding	– 9.630 to 9.250m AOD	= Floods up to 310mm
Car Park	– 9.450 to 8.850m AOD	= Floods up to 710mm

Site Access 1	– 9.000m AOD	= Floods up to 560mm
Site Access 2	– 9.250 to 8.650m AOD	= Floods up to 910mm
Site Access 3	– 9.250 to 8.600m AOD	= Floods up to 960m

7.15.9 These predicted depths are within the guidance set out in A1.15 for the maximum depths of flooding (less than 1metre) criterion for industrial development.

7.15.10 In terms of flood velocities the FCA indicates that the maximum velocity for the site is 1.11m/s in the 0.5% plus climate change event and 1.87m/s for the 0.1% plus climate change event. These velocities exceed the guidance for maximum velocity of floodwaters at the site (less than 0.45m/s). A hazard rating of “Danger for all – includes the emergency services” is predicted in both the 0.5% and the 0.1% plus climate change flood events at the site. The applicant has further commented on this and states that “even though the hazard ratings for some of the site fall within the ‘danger for all’ category on both the 1 in 200 year and 1 in 1000 year events these areas are generally located near / tie into the existing access road, Tom Lewis Way which is to remain as existing’ and ‘there is little scope to change the levels in these areas to reduce the Hazard rating to within the ‘Very low hazard’ or ‘Danger for some’ Categories””. Natural Resources Wales has not commented on this further however, based on the information provided within the FCA it is considered that the proposed development would not significantly worsen the current situation. Furthermore, these very small parts of the site are not areas where users of the site would occupy (see map below) and the access route to and from the site, along Tom Lewis Way is shown to be a very low flood hazard. It is considered that these conditions are acceptable.



7.15.11 Natural Resources Wales note that the FCA does not include the rate of rise and speed of inundation. However, given that only very small parts of the site (not part of the general

operation of the plant) would see flooding, this information is not considered to be critical to the overall decision. Natural Resources Wales do not raise an objection to this omission.

7.15.12 Section A1.12 of TAN 15 sets out further criteria which should be satisfied if development is to be considered acceptable. The following criteria are considered to be relevant to this proposal (*italics*):

7.15.13 *a) The developer must ensure that future occupiers of development are aware of the flooding risks and consequences:* The end users of the units would be advised to sign up to NRW's Flood Warning Service to ensure they receive the relevant warnings. It is a recommendation of the FCA that a Flood Evacuation Plan should be developed and adopted. This would ensure awareness of flood risk and appropriate actions are taken in the event of a flood warning being issued.

7.15.14 *b) Effective flood warnings are provided at the site:* The site is within an NRW Flood Warning Area and may be registered to receive such warnings.

7.15.15 *c) Escape/evacuation routes are shown by the developer to be operational under all conditions:* The main access route to and from the proposed development site is along Tom Lewis Way. This is confirmed to be of a 'very low flood hazard'. The site specific Flood Evacuation Plan would include this and would also be integrated into the existing ABP docks wide Flood Evacuation Plan.

7.15.16 *d) Flood Emergency Plans and Procedures produced by the developer must be in place:* This is covered in criteria a, b and c above.

7.15.17 *e) No flooding elsewhere:* The FCA confirms that "the displaced flood water is likely to run off into the sea and due to the large area of displacement the sea level will not rise significantly". Natural Resources Wales are satisfied with this conclusion.

7.15.18 Overall Natural Resources Wales do not object to the proposed development subject to a condition requiring compliance with the FCA (recommended within condition 1). The FCA also refers to the development of a Flood Evacuation Plan and it is recommended that the applicant is reminded to do this through an informative.

7.16 **Drainage**

7.16.1 No public foul sewers are present within the docks and therefore it is proposed to discharge to the River Ebbw via a package treatment plant. The manufacturing process would be a closed system and would not produce effluent which would run through the foul system. Therefore, the only effluent being processed would be domestic equivalent and suitable for a standard package treatment plant. Welsh Water note that a private treatment works is proposed and has no further comment in this respect.

7.16.2 A separate SuDS (Sustainable Urban Drainage Systems) approval would be required separate to planning permission. A SuDS strategy has been submitted with the application

which concludes that free surface water discharge into the adjacent River Ebbw would be a suitable option. Surface water run-off from the service yards would pass through retention separators to trap oils and silts. The Councils Drainage Officer has not commented on the proposals however, full consideration of these details would be dealt with through the SAB process. Notwithstanding this, the Appropriate Assessment has highlighted that a condition securing details of the foul and surface water drainage systems is necessary to ensure that the drainage systems adequately protect the sensitive ecological receptors within the statutory designations of the Severn Estuary and River Usk.

7.17 Trees

7.17.1 An Arboricultural Impact Assessment has been submitted with the application. It is proposed to fell a number of trees in order to facilitate the proposed development. The assessment evaluates these trees to be two very small category 'C' quality individual trees, three category 'C' groups and sections from another two category 'C' quality groups and one category 'B' group. Category C trees are classed as low quality and category B trees are classed as moderate quality.

7.17.2 It is considered acceptable for these trees to be felled as they are generally low quality and their position within docks private land means that they have low public amenity value. It is recognised that there would be a loss of moderate quality trees, however the Green Infrastructure Plan would provide mitigation for their loss, with additional tree planting. There would also be some retention of existing trees on the site and the Arboricultural Impact Assessment includes a Tree Protection Plan which sets out protective fencing to be erected on site prior to the commencement of development and its retention during construction. Conditions to secure compliance with the Tree Protection Plan and the provision of protective fencing are recommended.

7.18 Wharves

7.18.1 The application site is located opposite a mineral wharf, which is identified in the Newport Local Development Plan. Policy M4 states that the sustainable transportation of aggregate will be favoured. Existing wharves and rail infrastructure will be safeguarded.

7.18.2 The proposed development would not interfere with the operation of the wharf and as such it is considered that this policy is satisfied.

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

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

8.2 **Equality Act 2010**

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

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

9. **CONCLUSION**

9.1.1 Having regard to policies SP1, SP2, SP3, SP4, SP9, SP18, SP21, GP1, GP2, GP3, GP4, GP5, GP6, GP7, CE6, CE8, EM2, T4, T8, M4 and W3 of the Newport Local Development Plan 2011-2026 and the adopted SPGs, Planning Policy Wales (10th Edition), The Wales Marine Plan (November 2019) and Technical Advice Notes 5 – Nature Conservation and Planning, 11 – Noise (1997), 12 – Design (2016), 15 – Flood Risk and Development and 24 – The Historic Environment, it is considered that the proposed development would result in economic prosperity and job creation without having any harmful impact upon the visual amenities of the surrounding area, parking and highway safety, along with flood risk,

heritage assets and the private amenities of the neighbouring properties and residential occupiers in the wider surrounding area.

9.1.2 Through the submission of appropriate survey work and assessment of the impacts of the proposed development on environmental effects, including the statutory and non-statutory designated sites, priority habitats, protected and priority species, air quality, noise, water quality, contamination, heritage, archaeology, flood risk, transport and human health it is considered that there proposal has demonstrated that there would be no likely significant environmental impacts.

9.1.3 It is recommended that planning permission is granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

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

72689 CUR 00 XX DR C SK001 P05 – Indicative Earthworks Sections
153091-STL-00-00-DR-A-ZZZZ-00002 P30 – Existing Site Location Plan
153091-STL-00-00-DR-A-ZZZZ-00003 P30 – Existing and Proposed Site Levels
153091-STL-00-00-DR-A-ZZZZ-01001 P30 – Layout Plan
153091-STL-00-00-DR-A-ZZZZ-01002 P29 – General Arrangement 00
153091-STL-00-00-DR-A-ZZZZ-01003 P29 – General Arrangement 01
153091-STL-00-00-DR-A-ZZZZ-01004 P29 – Proposed Roof Plan
153091-STL-00-00-DR-A-ZZZZ-02001 P29 – Proposed Elevations
153091-STL-00-00-DR-A-ZZZZ-03001 P29 – Proposed Sections
CA11637 – 006 rev G – Illustrative Green Infrastructure Plan
CA11637 – 011 rev E (sheet 1) – Detailed Planting Plan
CA11637 – 011 rev E (sheet 2) – Detailed Planting Plan

- Heritage Impact Assessment (Wardell Armstrong, March 2020)
- Addendum to Heritage Impact Assessment (Wardell Armstrong, May 2020)
- Landscape and Visual Impact Assessment rev E (Wardell Armstrong, May 2020)
- Flood Consequence Assessment and Sustainable Drainage Strategy rev 8 (Curtins, April 2020)
- Response to NRW Flood Matters (Adams Hendry, May 2020)
- Ecological Impact Assessment (Wardell Armstrong, March 2020)
- Addendum to Ecological Impact Assessment (Wardell Armstrong, April 2020)
- Ecological Management Plan (Wardell Armstrong, April 2020)
- Construction Environment Management Plan version 5 (Wardell Armstrong, April 2020)
- Transport Assessment (Curtins, March 2020)
- Response to NCC Highway Comments (Adams Hendry, April 2020)
- Noise Impact Assessment (Hunter Acoustics, January 2020)
- Arboricultural Impact Assessment (Wardell Armstrong, March 2020)
- Air Quality Assessment (Hawkins Environmental, January 2020)

- Site Waste and Natural Materials Management Plan (Wardell Armstrong, January 2020)
- Geo-Environmental and Geotechnical Desk Study (Wardell Armstrong, January 2020)
- Construction Phasing Plan (Adams Hendry, May 2020).

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, (other than site clearance) shall commence until:

- An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.
- If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to (BS10175/2011), containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.
- Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. Prior to the beneficial use of the manufacturing plant hereby approved:

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

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

Reason: To ensure that any potential risks to human health and to prevent pollution of the water environment and to the ecological interests of the area and in the interest of safeguarding the features of the Severn Estuary SPA, SAC, Ramsar and the River Usk SAC, in accordance with policies SP9, GP5 and GP7.

03 No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until the Root Protection Barrier fencing has been installed in accordance with the approved Tree Protection Plan (drawing CA11637-005 rev H). No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area. All weather notices shall be erected on Heras fencing (1 per 10 panels, stating "Construction Exclusion Zone No Access" and the fencing shall be retained for the full duration of the development.

Reason: To protect important landscape features within the site, in accordance with policy GP5.

04 No development shall commence until a detailed method statement for removing or the long-term management/control of invasive species has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include measures that will be used to prevent the spread of invasive species during any operations. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000). Development shall proceed in accordance with the approved method statement.

Reason: In the interests of ecology/biodiversity; and in accordance with policy GP5.

Prior to construction conditions

05 Prior to the commencement of the construction phase (phase 2, as defined by the Construction Phasing Plan (Adams Hendry, May 2020)) and then the operational phases of the development hereby approved, details of a lighting scheme for each phase shall be submitted to and approved in writing by the Local Planning Authority. The lighting schemes shall minimise light spill onto retained habitats and ecologically sensitive receptors and include details of:

- The timing and duration of lighting use; and
- An isolux diagram showing the predicted illuminance in the vertical plane (in lux) at critical habitats and ecologically sensitive receptors on the boundary of the site.

The construction and operational phases of the development hereby approved shall be carried out in accordance with the approved details and retained as such during each phase.

Reason: In the interests of safeguarding the features of the Severn Estuary SPA, SAC, Ramsar and the River Usk SAC, in accordance with policies SP9 and GP5.

06 Prior to the construction phase (phase 2, as defined by the Construction Phasing Plan (Adams Hendry, May 2020)) of the development hereby approved details of foul and surface water drainage shall be submitted and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details prior to the beneficial use of the development.

Reason: To prevent pollution of the water environment and to protect the ecological interests of the area and in the interest of safeguarding the features of the Severn Estuary SPA, SAC, Ramsar and the River Usk SAC, in accordance with policies SP9, GP3 and GP5.

07 Prior to the construction phase (phase 2, as defined by the Construction Phasing Plan (Adams Hendry, May 2020)) of the development hereby approved, a scheme to install oil and petrol interceptors shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To prevent pollution of the water environment and to the ecological interests of the area and in the interest of safeguarding the features of the Severn Estuary SPA, SAC, Ramsar and the River Usk SAC, in accordance with policies SP9 and GP5.

08 Prior to the construction phase (phase 2, as defined by the Construction Phasing Plan (Adams Hendry, May 2020)) of the development hereby approved full details of services plant, external building cladding and door cladding performance information (including details of the complete door system including frames and seals) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and maintained as such thereafter.

Reason: In the interests of residential amenity and in the interests of safeguarding the features of the Severn Estuary SPA, SAC, Ramsar and the River Usk SAC, in accordance with policies SP9, GP2, GP5 and GP7.

09 Prior to the construction phase (phase 2, as defined by the Construction Phasing Plan (Adams Hendry, May 2020)) of the development hereby approved details of all external materials of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual and landscape amenity, in accordance with policies GP6.

Prior to operation conditions

10 Prior to the operation of the plasterboard manufacturing plant hereby approved the Habitat Enhancement Area (as shown in drawing 153091-STL-00-00-DR-A-ZZZZ-01001 P30) and ecological enhancements shall be provided in accordance with the Ecological Impact Assessment (Wardell Armstrong, March 2020), the Addendum to the Ecological Impact Assessment (Wardell Armstrong, April 2020) and the Ecological Management Plan (Wardell Armstrong, April 2020). The Habitat Enhancement Area and ecological enhancements shall be managed and maintained in accordance with the Ecological Management Plan.

Reason: In order to provide ecological compensation and enhancements in accordance with policy GP5.

11 Prior to the operation of the plasterboard manufacturing plant hereby approved an Additional Habitat Enhancement Area (AHEA) shall be provided in accordance with drawing CA11637-008 (contained within the Ecological Impact Assessment, Wardell Armstrong, March 2020). The AHEA shall be managed and maintained in accordance with an Ecological Management Plan, which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to provide ecological compensation and enhancements in accordance with policy GP5.

12 Prior to the operation of the plasterboard manufacturing plant hereby approved the methodology for a full terrestrial invertebrate survey, to include a timetable for further

surveys shall be submitted to and approved in writing by the Local Planning Authority. The survey's shall be implemented in accordance with the approved methodology.

Reason: To safeguard the interests of terrestrial invertebrates, in accordance with policy GP5.

13 Prior to the operation of the plasterboard manufacturing plant hereby approved a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall operate in accordance with the approved Travel Plan.

Reason: In the interest of sustainable development and to justify a shortfall in parking provision, in accordance with policies GP4 and T4.

14 Prior to the operation of the plasterboard manufacturing plant hereby approved, car parking spaces shall be provided in accordance with drawing 153091-STL-00-00-DR-A-ZZZZ-01001 P30 – Layout Plan and retained as such in perpetuity.

Reason: In the interests of sustainable development, in accordance with policies SP1 and GP4.

15 Prior to the operation of the plasterboard manufacturing plant hereby approved, motorcycle and cycle storage facilities shall be provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The facilities shall be retained thereafter.

Reason: In the interests of sustainable development, in accordance with policies SP1 and GP4.

16 The scheme of landscaping, tree planting and green infrastructure, as detailed within the Landscape and Visual Impact Appraisal Revision E (Wardell Armstrong, May 2020) and the approved plans listed in condition 1 shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of the development. Thereafter the trees and shrubs shall be maintained for a period of 10 years from the date of planting, in accordance with a management plan which shall first be submitted to and approved in writing by the Local Planning Authority. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purpose of this condition, a full planting season shall mean the period from October to April.

Reason: To secure satisfactory landscaping in the interests of visual amenity and ecological enhancement, in accordance with policy GP5.

General conditions

17 The development hereby approved shall operate in accordance with the good practice/best available techniques proposed in Section 6 of the Noise Impact Assessment (ref 5238/NIA1-rev 7, Hunter Acoustics, January 2020).

Reason: In the interests of residential amenity and in the interests of safeguarding the features of the Severn Estuary SPA, SAC, Ramsar and the River Usk SAC, in accordance with policies SP9, GP2, GP5 and GP7.

18 All phases of development (as defined in the Construction Phasing Plan (Adams Hendry, May 2020)) shall be carried out in accordance with the approved Construction Environmental Management Plan (Version 5, Wardell Armstrong, April 2020). Following the appointment of construction contractors the Construction Environmental Management Plan shall be reviewed, updated and submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the updated Plan.

Reason: In the interests of safeguarding the features of the Severn Estuary SPA, SAC, Ramsar and the River Usk SAC, in accordance with policies SP9 and GP5.

19 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank/storage body plus an additional 10% of that capacity. All filling points, vents, gauges and sight glasses shall be located within the bund and the drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be designed so as to discharge downwards into the bund.

Reason: To prevent pollution of the water environment and to the ecological interests of the area and in the interest of safeguarding the features of the Severn Estuary SPA, SAC, Ramsar and the River Usk SAC, in accordance with policies SP9 and GP5.

20 No piling shall be undertaken during the period from 01 October to 31 March (inclusive).

Reason: To avoid disturbance to roosting and feeding Dunlin and Redshank during the wintering bird season, in the interests of safeguarding the features of the Severn Estuary SPA, in accordance with policies SP9 and GP5.

21 Phases 1 and 2 (as defined in the Construction Phasing Plan (Adams Hendry, May 2020)) of the development hereby approved shall be carried out in accordance with the Precautionary Working Method Statement for reptiles, as provided within Appendix 12 of the Ecological Impact Assessment (Wardell Armstrong, March 2020).

Reason: To safeguard the interest of reptiles, in accordance with policy GP5.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP3, SP4, SP9, SP18, SP21, GP1, GP2, GP3, GP4, GP5, GP6, GP7, CE6, CE8, EM2, T4, T8, M4 and W3 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 It is considered that the decision has been made in conformity with the Marine Policy Statement (2011) and in accordance with marine national planning policy contained within the Welsh National Marine Plan (2019) as demonstrated in the assessment of this proposal.

04 As recommended within the Flood Consequence Assessment rev 8 (Curtins, April 2020) the applicant is advised to develop and adopt a Flood Evacuation Plan for the site.

APPENDIX A

4.2 CONSERVATION OBJECTIVES FOR SPA EUROPEAN MARINE SITE INTEREST FEATURES

The protection and management of the SPA in accordance with Article 6 of the Habitats Directive, including in particular the consideration of plans and projects under Article 6(3) and 6(4), should be carried out in view of the conservation objectives in this section.

4.2.2 SPA interest feature 2: Internationally important population of regularly occurring migratory species: wintering European white-fronted goose

The conservation objective is to maintain the European white-fronted goose population and its supporting habitats¹ in **favourable condition**, as defined below.

The interest feature European white-fronted goose will be considered to be in favourable condition² when, subject to natural processes², each of the following conditions are met:

- (i) the 5 year peak mean population size for the wintering European white fronted goose population is no less than 3,002 individuals (ie the 5 year peak mean between 1988/9-1992/3);
- (ii) the extent of saltmarsh at the Dumbles is maintained;
- (iii) the extent of intertidal mudflats and sandflats at Frampton Sands, Waveridge Sands and the Noose is maintained;
- (iv) greater than 25% cover of suitable soft-leaved herbs and grasses³ is maintained during the winter on saltmarsh areas;
- (v) unrestricted bird sightlines of >200m at feeding and roosting sites are maintained;
- (vi) aggregations of European white-fronted goose at feeding or roosting sites are not subject to significant disturbance.

4.2.2.1 Explanatory information for the wintering European white-fronted goose objective

¹Key supporting habitats for the migratory bird species

- Intertidal mudflats and sandflats
- Saltmarsh

²Natural processes in respect of the SPA

The meaning of 'natural processes' is explained in **section 4.2.1.1**.

³Key food plants of European white-fronted goose

eg *Alopecurus bulbosus*, *Festuca rubra*, *Hordeum marinum*, *Lolium perenne*; *Puccinellia maritima*. (This list contains examples and is not exhaustive)

4.2.3 SPA interest feature 3: Internationally important population of regularly occurring migratory species: wintering dunlin

The conservation objective is to maintain the dunlin population and its supporting habitats¹ in **favourable condition**, as defined below:

The interest feature dunlin will be considered to be in favourable condition when, subject to natural processes², each of the following conditions are met:

- (i) the 5 year peak mean population size for the wintering dunlin population is no less than 41,683 individuals (ie the 5 year peak mean between 1988/9 - 1992/3);
- (ii) the extent of saltmarsh and associated strandlines is maintained;
- (iii) the extent of intertidal mudflats and sandflats is maintained;
- (iv) the extent of hard substrate habitats is maintained;
- (v) the extent of vegetation with a sward height of <10cm is maintained throughout the saltmarsh;
- (vi) the abundance and macro-distribution of suitable invertebrates³ in intertidal mudflats and sandflats is maintained;
- (vii) the abundance and macro-distribution of suitable invertebrates³ in hard substrate habitats is maintained;
- (viii) unrestricted bird sightlines of >200m at feeding and roosting sites are maintained;
- (ix) aggregations of dunlin at feeding or roosting sites are not subject to significant disturbance.

4.2.3.1 Explanatory information for the wintering dunlin objective

¹Key supporting habitats for the migratory bird species

- Intertidal mudflats and sandflats
- Saltmarsh
- Hard substrate habitats (rocky shores)

²Natural processes in respect of the SPA

The meaning of 'natural processes' is explained in **section 4.2.1.1**.

³Key intertidal invertebrate prey species of dunlin

eg *Carcinus*, *Crangon*, *Hydrobia*, *Macoma*, *Hediste*, and *Talitrus* spp. (This list contains examples and is not exhaustive)

4.2.4 SPA interest feature 4: Internationally important population of regularly occurring migratory species: wintering redshank

The conservation objective is to maintain the redshank population and its supporting habitats¹ in **favourable condition**, as defined below

The interest feature redshank will be considered to be in favourable condition when, subject to natural processes² each of the following conditions are met:

- (i) the 5 year peak mean population size for the wintering redshank population is no less than 2,013 individuals (ie the 5 year peak mean between 1988/9 - 1992/3);
- (ii) the extent of saltmarsh and associated strandlines is maintained;
- (iii) the extent of intertidal mudflats and sandflats is maintained;
- (iv) the extent of hard substrate habitats is maintained;
- (v) the extent of vegetation with a sward height of <10cm throughout the saltmarsh is maintained;
- (vi) the abundance and macro-distribution of suitable invertebrates³ in intertidal mudflats and sandflats is maintained;
- (vii) the abundance and macro-distribution of suitable invertebrates³ in hard substrate habitats is maintained;
- (viii) unrestricted bird sightlines of >200m at feeding and roosting sites are maintained;
- (ix) aggregations of redshank at feeding or roosting sites are not subject to significant disturbance.

4.2.4.1 Explanatory information for the wintering redshank objective

¹Key supporting habitats for the migratory bird species

- Intertidal mudflats and sandflats
- Saltmarsh
- Hard substrate habitats (rocky shores)

²Natural processes in respect of the SPA

The meaning of 'natural processes' is explained in **section 4.2.1.1**.

³Key intertidal invertebrate prey species of redshank

eg *Carcinus*, *Crangon*, *Hydrobia*, *Macoma*, *Hediste*, and *Talitrus* spp. (This list contains examples and is not exhaustive)

4.2.5 SPA interest feature 5: Internationally important population of regularly occurring migratory species: wintering shelduck

The conservation objective is to maintain the shelduck population and its supporting habitats¹ in **favourable condition**, as defined below:

The interest feature shelduck will be considered to be in favourable condition when, subject to natural processes², each of the following conditions are met:

- (i) the 5 year peak mean population size for the wintering shelduck population is no less than 2,892 individuals (ie the 5 year peak mean between 1988/9 - 1992/3);
- (ii) the extent of saltmarsh is maintained;
- (iii) the extent of intertidal mudflats and sandflats is maintained;
- (iv) the extent of hard substrate habitats is maintained;
- (v) the abundance and macro-distribution of suitable invertebrates³ in intertidal mudflats and sandflats is maintained;
- (vi) unrestricted bird sightlines of >200m at feeding and roosting sites are maintained;
- (vii) aggregations of shelduck at feeding or roosting sites are not subject to significant disturbance.

4.2.5.1 Explanatory information for the wintering shelduck objective

¹Key supporting habitats for the migratory bird species

- Intertidal mudflats and sandflats
- Saltmarsh
- Hard substrate habitats (rocky shores)

²Natural processes in respect of the SPA

The meaning of 'natural processes' is explained in **section 4.2.1.1**.

³Key intertidal invertebrate prey species of shelduck

eg *Carcinus*, *Corophium*, *Hydrobia*, *Macoma*, *Mytilus*, and *Hediste* spp (This list contains examples and is not exhaustive)

4.2.7 SPA interest feature 7: Internationally important assemblage of waterfowl

The conservation objective is to maintain the waterfowl assemblage and its supporting habitats¹ in **favourable condition**, as defined below:

The interest feature waterfowl assemblage will be considered to be in favourable condition when, subject to natural processes², each of the following conditions are met:

- (i) the 5 year peak mean population size for the waterfowl assemblage is no less than 68,026 individuals (ie the 5 year peak mean between 1988/9 - 1992/3);
- (ii) the extent of saltmarsh and their associated strandlines is maintained;
- (iii) the extent of intertidal mudflats and sandflats is maintained;
- (iv) the extent of hard substrate habitats is maintained;
- (v) extent of vegetation of <10cm throughout the saltmarsh is maintained;
- (vi) the abundance and macroscale distribution of suitable invertebrates³ in intertidal mudflats and sandflats is maintained;
- (vii) the abundance and macroscale distribution of suitable invertebrates³ in hard substrate habitats is maintained;
- (viii) greater than 25% cover of suitable soft leaved herbs and grasses⁴ during the winter on saltmarsh areas is maintained;
- (ix) unrestricted bird sightlines of >500m at feeding and roosting sites are maintained;
- (x) waterfowl aggregations at feeding or roosting sites are not subject to significant disturbance.

4.2.7.1 Explanatory information for the internationally important assemblage of waterfowl

¹Key supporting habitats for the waterfowl assemblage¹

- Intertidal mudflats and sandflats
- Saltmarsh
- Hard substrate habitats (rocky shores)

²Natural processes in respect of the SPA

The meaning of 'natural processes' is explained in **section 4.1.1**.

³Key intertidal invertebrate prey species of the waterfowl assemblage

eg *Arenicola*, *Carcinus*, *Corophium*, *Crangon*, *Gammarus*, *Hydrobia*, *Macoma*, *Hediste*, *Notomastus* and *Talitrus* spp. - these lists are examples and are not exhaustive

⁴Key saltmarsh food plants

eg *Puccinellia maritima*, *Salicornia* spp., *Agrostis stolonifera*, *Atriplex* spp., *Hordeum marinum*, *Festuca rubra*, *Alopecurus bulbosus*, *Lolium perenne* - these lists are examples and are not exhaustive.

4. CONSERVATION OBJECTIVES OF THE RIVER USK SAC

Background to Conservation Objectives:

(a) Outline of the legal context and purpose of conservation objectives.

Conservation objectives are required by the 1992 'Habitats' Directive (92/43/EEC). The aim of the Habitats Directives is the maintenance, or where appropriate the restoration of the 'favourable conservation status' of habitats and species features for which SACs and SPAs are designated (see Box 1).

In the broadest terms, 'favourable conservation status' means a feature is in satisfactory condition and all the things needed to keep it that way are in place for the foreseeable future. CCW considers that the concept of favourable conservation status provides a practical and legally robust basis for conservation objectives for Natura 2000 and Ramsar sites.

Achieving these objectives requires appropriate management and the control of factors that may cause deterioration of habitats or significant disturbance to species.

As well as the overall function of communication, Conservation objectives have a number of specific roles:

Conservation planning and management.

The conservation objectives guide management of sites, to maintain or restore the habitats and species in favourable condition.

Assessing plans and projects.

Article 6(3) of the 'Habitats' Directive requires appropriate assessment of proposed plans and projects against a site's conservation objectives. Subject to certain exceptions, plans or projects may not proceed unless it is established that they will not adversely affect the integrity of sites. This role for testing plans and projects also applies to the review of existing decisions and consents.

Monitoring and reporting.

The conservation objectives provide the basis for assessing the condition of a feature and the status of factors that affect it. CCW uses 'performance indicators' within the conservation objectives, as the basis for monitoring and reporting. Performance indicators are selected to provide useful information about the condition of a feature and the factors that affect it.

The conservation objectives in this document reflect CCW's current information and understanding of the site and its features and their importance in an international context. The conservation objectives are subject to review by CCW in light of new knowledge.

(b) Format of the conservation objectives

There is one conservation objective for each feature listed in part 3. Each conservation objective is a composite statement representing a site-specific description of what is considered to be the favourable conservation status of the feature. These statements apply to a whole feature as it occurs within the whole plan area, although Section 3.2 sets out their relevance to individual management units.

Each conservation objective consists of the following two elements:

1 Vision for the feature

2 Performance indicators

As a result of the general practice developed and agreed within the UK Conservation Agencies, conservation objectives include performance indicators, the selection of which should be informed by JNCC guidance on Common Standards Monitoring¹.

¹ Web link: <http://www.jncc.gov.uk/page-2199>

There is a critical need for clarity over the role of performance indicators within the conservation objectives. **A conservation objective, because it includes the vision for the feature, has meaning and substance independently of the performance indicators, and is more than the sum of the performance indicators.** The performance indicators are simply what make the conservation objectives measurable, and are thus part of, not a substitute for, the conservation objectives. Any feature attribute identified in the performance indicators should be represented in the vision for the feature, but not all elements of the vision for the feature will necessarily have corresponding performance indicators.

As well as describing the aspirations for the condition of the feature, the Vision section of each conservation objective contains a statement that the factors necessary to maintain those desired conditions are under control. Subject to technical, practical and resource constraints, factors which have an important influence on the condition of the feature are identified in the performance indicators.

The ecological status of the water course is a major determinant of FCS for all features. The required conservation objective for the water course is defined below.

4.1 Conservation Objective for the water course

The capacity of the habitats in the SAC to support each feature at near-natural population levels, as determined by predominantly unmodified ecological and hydromorphological processes and characteristics, should be maintained as far as possible, or restored where necessary.

The ecological status of the water environment should be sufficient to maintain a stable or increasing population of each feature. This will include elements of water quantity and quality, physical habitat and community composition and structure. It is anticipated that these limits will concur with the relevant standards used by the Review of Consents process given in Annexes 1-3.

Flow regime, water quality and physical habitat should be maintained in, or restored as far as possible to, a near-natural state, in order to support the coherence of ecosystem structure and function across the whole area of the SAC.

All known breeding, spawning and nursery sites of species features should be maintained as suitable habitat as far as possible, except where natural processes cause them to change.

Flows, water quality, substrate quality and quantity at fish spawning sites and nursery areas will not be depleted by abstraction, discharges, engineering or gravel extraction activities or other impacts to the extent that these sites are damaged or destroyed.

The river planform and profile should be predominantly unmodified. Physical modifications having an adverse effect on the integrity of the SAC, including, but not limited to, revetments on active alluvial river banks using stone, concrete or waste materials, unsustainable extraction of gravel, addition or release of excessive quantities of fine sediment, will be avoided.

River habitat SSSI features should be in favourable condition. In the case of the Usk Tributaries SSSI, the SAC habitat is not underpinned by a river habitat SSSI feature. In this case, the target is to maintain the characteristic physical features of the river channel, banks and riparian zone.

Artificial factors impacting on the capability of each species feature to occupy the full extent of its natural range should be modified where necessary to allow passage, eg weirs, bridge sills, acoustic barriers.

Natural factors such as waterfalls, which may limit the natural range of a species feature or dispersal between naturally isolated populations, should not be modified.

Flows during the normal migration periods of each migratory fish species feature will not be depleted by abstraction to the extent that passage upstream to spawning sites is hindered.

Flow objectives for assessment points in the Usk Catchment Abstraction Management Strategy will be agreed between EA and CCW as necessary. It is anticipated that these limits will concur with the standards used by the Review of Consents process given in Annex 1 of this document.

Levels of nutrients, in particular phosphate, will be agreed between EA and CCW for each Water Framework Directive water body in the Usk SAC, and measures taken to maintain nutrients below these levels. It is anticipated that these limits will concur with the standards used by the Review of Consents process given in Annex 2 of this document.

Levels of water quality parameters that are known to affect the distribution and abundance of SAC features will be agreed between EA and CCW for each Water Framework Directive water body in the Usk SAC, and

measures taken to maintain pollution below these levels. It is anticipated that these limits will concur with the standards used by the Review of Consents process given in Annex 3 of this document.

Potential sources of pollution not addressed in the Review of Consents, such as contaminated land, will be considered in assessing plans and projects.

Levels of suspended solids will be agreed between EA and CCW for each Water Framework Directive water body in the Usk SAC. Measures including, but not limited to, the control of suspended sediment generated by agriculture, forestry and engineering works, will be taken to maintain suspended solids below these levels.

4.2 Conservation Objective for Features 1-5:

- Sea lamprey *Petromyzon marinus* (EU Species Code: 1095);
- Brook lamprey *Lampetra planeri* (EU Species Code: 1096);
- River lamprey *Lampetra fluviatilis* (EU Species Code: 1099);
- Twaite shad *Alosa fallax* (EU Species Code: 1103);
- Allis shad *Alosa alosa* (EU Species Code: 1102);
- Atlantic salmon *Salmo salar* (EU Species Code: 1106);
- Bullhead *Cottus gobio* (EU Species Code: 1163)

Vision for features 1-5

The vision for this feature is for it to be in a favourable conservation status, where all of the following conditions are satisfied:

FCS component	Supporting information/current knowledge
<p>The conservation objective for the water course as defined in 4.1 above must be met</p> <p>The population of the feature in the SAC is stable or increasing over the long term.</p>	<p>Refer to Sections 5.1 to 5.5 for current assessments of feature populations</p> <p>Entrainment in water abstractions directly impacts on population dynamics through reduced recruitment and survival rates.</p> <p>Fish stocking can adversely affect population dynamics through competition, predation, and alteration of population genetics and introduction of disease.</p> <p>Some reaches of the Usk SAC are more suitable for some features than others eg the Senni has important populations of brook/river lamprey and salmon but is not used by shad due to its small size and distance from the estuary. These differences influence the management priorities for individual reaches and are used to define the site units described in Section 3.2. Further details of feature habitat suitability are given in Section 5. In general, management for one feature is likely to be sympathetic for the other features present in the river, provided that the components of favourable conservation status for the water course given in Section 4.1 are secured.</p> <p>The characteristic channel morphology provides the diversity of water depths, current velocities and substrate types necessary to fulfil the habitat requirements of the features. The close proximity of different habitats facilitates movement of fish to new preferred habitats with age. The presence of hard bank revetments in a number of active alluvial reaches eg through Brecon and upstream of Abergavenny, adversely affects the processes that maintain suitable habitat for the SAC features.</p>
<p>The natural range of the feature in the SAC is neither being reduced nor is likely to be reduced for the foreseeable future. The natural range is taken to mean those reaches where predominantly suitable habitat for each life stage exists over the long term. Suitable habitat is defined in terms of near-natural hydrological and geomorphological processes and forms eg. suitable flows to allow upstream migration, depth of water and substrate type at spawning sites, and ecosystem structure and functions eg. food supply (as described in Sections 2.2 and 5). Suitable habitat need not be present throughout the SAC but where present must be secured for the foreseeable future. Natural factors such as waterfalls may limit the natural range of individual species. Existing artificial influences on natural range that cause an adverse effect on site integrity, such as physical barriers to migration, will be assessed in view of 4.2.4</p>	

FCS component	Supporting information/current knowledge
<p>There is, and will probably continue to be, a sufficiently large habitat to maintain the feature's population in the SAC on a long-term basis.</p>	<p>Mill and Brecon Weir. However, there are many smaller abstractions not considered to cause a problem at present.</p> <p>Shad and salmon migration can be affected by acoustic barriers and by high sediment loads, which can originate from a number of sources including construction works.</p> <p>Allis and Twaite shad are affected by range contraction due to artificial barriers to migration in the Usk. It is likely that this loss of habitat affects their maintenance in the SAC on a long-term basis.</p>

Performance indicators for features 1-5

The performance indicators are part of the conservation objective, not a substitute for it. Assessment of plans and projects must be based on the entire conservation objective, not just the performance indicators.

Attribute	Specified Limits	Comments	Relevant Unit[s]
Sea lamprey <i>Petromyzon marinus</i> :			
Performance indicators for feature condition			
(a) Distribution within catchment	Suitable habitat adjacent to or downstream of known spawning sites should contain <i>Petromyzon ammocoetes</i> .	This attribute provides evidence of successful spawning and distribution trends. Spawning sites known to have been used within the previous 10 years and historical sites considered still to have suitable habitat, are shown in Annex 4. Spawning locations may move within and between sites due to natural processes or new sites may be discovered over time. Silt beds downstream of all sites identified in Annex 4 will be sampled for presence or absence of ammocoetes. Where apparently suitable habitat at any site is unoccupied feature condition will be considered unfavourable.	1 - 5
(b) Ammocoete density	Ammocoetes should be present in at least four sampling sites each not less than 5km apart. Overall catchment mean >0.1m ⁻² (Harvey & Cowx 2003) ¹	This standard CSM attribute establishes a minimum occupied spawning range, within any sampling period, of 15km. In the Usk, spawning sites within units 2 to 5 will be assessed against this attribute. Although this attribute is not used in CSM for sea lamprey, baseline monitoring in the Usk gave an overall catchment mean of 2.27 ammocoetes m ⁻² in suitable habitat ² , therefore 0.1 m ⁻² is a conservative threshold value for unfavourable condition.	2 - 5
Brook lamprey <i>Lampetra planeri</i> and River lamprey <i>Lampetra fluviatilis</i> :			
Performance indicators for feature condition			
(a) Age/size structure of ammocoete population	Samples < 50 ammocoetes ~ 2 size classes Samples > 50 ammocoetes ~ at least 3 size classes	This gives an indication of recruitment to the population over the several years preceding the survey. Failure of one or more years recruitment may be due to either short or long term impacts or natural factors such as natural flow variability therefore would trigger further investigation of the cause rather than leading automatically to an unfavourable condition assessment.	2 - 10
(b) Distribution of ammocoetes within catchment	Present at not less than 2/3 of sites surveyed within natural range	The combined natural range of these two species in terms of ammocoete distribution includes all units above the tidal limit ie all except unit 1. Presence at less than 2/3 of sample sites will lead to an unfavourable condition assessment.	2 - 10

Attribute	Specified Limits	Comments	Relevant Unit[s]
(c) Ammocoete density	No reduction in distribution of ammocoetes Optimal habitat: >10m ⁻² Overall catchment mean: >5m ⁻²	Reduction in distribution will be defined as absence of ammocoetes from all samples within a single unit or sub-unit/tributary, and will lead to an unfavourable condition assessment. Optimal habitat comprises beds of stable fine sediment or sand ≥15cm deep, low water velocity and the presence of organic detritus, as well as, in the Usk, shallower sediment, often patchy and interspersed among coarser substrate.	2 - 10
Twaite shad <i>Alosa fallax</i> and Allis shad <i>Alosa alosa</i> :			
Performance indicators for feature condition			
(a) Spawning distribution	No decline in spawning distribution	Spawning distribution is assessed by kick sampling for eggs and/or observations of spawning adults. A representative sample of sites within units 2 to 5 will be monitored at 3 yearly intervals. Absence from any site in 2 consecutive surveys will result in an unfavourable condition assessment.	1 - 5
Performance indicators for factors affecting the feature			
(a) Flow	Targets are set in relation to river/reach type(s)	Targets equate to those levels agreed and used in the Review of Consents (see Annex 1). Shad are particularly sensitive to flow. The ideal regime is one of relatively high flows in March-May, to stimulate migration and allow maximum penetration of adults upstream, followed by rather low flows in June-September, which ensures that the juveniles are not washed prematurely into saline waters and grow rapidly under warmer conditions. The release of freshets to encourage salmonid migration should therefore be discouraged on shad rivers during this period.	1 - 5
Atlantic salmon <i>Salmo salar</i>:			
Performance indicators for feature condition			
(a) Adult run size	Conservation Limit complied with at least four years in five (see 5.4)	CSM guidance states: Total run size at least matching an agreed reference level, including a seasonal pattern of migration characteristic of the river and maintenance of the multi-sea-winter component. As there is no fish counter in the Usk, adult run size is calculated using rod catch data. Further details can be found in the EA Usk Salmon Action Plan.	All
(b) Juvenile densities	Expected densities for each sample site using HABSCORE	CSM guidance states: These should not differ significantly from those expected for the river type/reach under conditions of high physical and chemical quality. Assessed using electro fishing data.	6 – 10
Performance indicators for factors affecting the feature			
Water quality			
(a) Biological quality	Biological GQA class A	This is the class required in the CSM guidance for Atlantic salmon, the most sensitive feature.	6 - 10
(b) Chemical quality	RE1	It has been agreed through the Review of Consents process that RE1 will be used throughout the SAC [see Annex 3].	All
Hydromorphology			
(a) Flow	Targets are set in relation to river/reach type(s)	Targets equate to those levels agreed and used in the Review of Consents [see Annex 1].	All
Bullhead <i>Cottus gobio</i> :			
Performance indicators for feature condition			

Attribute	Specified Limits	Comments	Relevant Unit[s]
(a) Adult densities	No less than 0.2 m ⁻² in sampled reaches	CSM guidance states that densities should be no less than 0.2 m ⁻² in upland rivers (source altitude >100m) and 0.5 m ⁻² in lowland rivers (source altitude ≤100m). A significant reduction in densities may also lead to an unfavourable condition assessment.	2 – 10
(b) Distribution	Bullheads should be present in all suitable reaches. As a minimum, no decline in distribution from current	Suitable reaches will be mapped using fluvial audit information validated using the results of population monitoring. Absence of bullheads from any of these reaches, or from any previously occupied reach, revealed by on-going monitoring will result in an unfavourable condition assessment.	2 - 10
(c) Reproduction/age structure	Young-of-year fish should occur at densities at least equal to adults	This gives an indication of successful recruitment and a healthy population structure. Failure of this attribute on its own would not lead to an unfavourable condition assessment.	2 - 10

4.3 Conservation Objective for Feature 6:

- European otter *Lutra lutra* (EU Species Code: 1355)

Vision for feature 6

The vision for this feature is for it to be in a favourable conservation status, where all of the following conditions are satisfied:

FCS component	Supporting information/current knowledge
<p>The population of otters in the SAC is stable or increasing over the long term and reflects the natural carrying capacity of the habitat within the SAC, as determined by natural levels of prey abundance and associated territorial behaviour. The natural range of otters in the SAC is neither being reduced nor is likely to be reduced for the foreseeable future. The natural range is taken to mean those reaches that are potentially suitable to form part of a breeding territory and/or provide routes between breeding territories. The whole area of the Usk SAC is considered to form potentially suitable breeding habitat for otters. The size of breeding territories may vary depending on prey abundance. The population size should not be limited by the availability of suitable undisturbed breeding sites. Where these are insufficient they should be created through habitat enhancement and where necessary the provision of artificial holts. No otter breeding site should be subject to a level of disturbance that could have an adverse effect on breeding success. Where necessary, potentially harmful levels of disturbance must be managed. The safe movement and dispersal of individuals around the SAC is facilitated by the provision, where necessary, of suitable riparian habitat, and underpasses, ledges, fencing etc at road bridges and other artificial barriers.</p>	<p>Refer to Section 5.9 for current assessment of feature population</p> <p>Survey information shows that otters are widely distributed in the Usk catchment. While the breeding population in the Usk is not currently considered to be limited by the availability of suitable breeding sites, there is some uncertainty over the number of breeding territories which the SAC is capable of supporting given near-natural levels of prey abundance.</p> <p>The decline in eel populations may be having an adverse effect on the population of otters in the Usk.</p> <p>Restrictions on the movement of otters around the SAC, and between adjoining sites are currently a particular concern in the reach through Newport as a result of a continued decrease in undisturbed suitable riparian habitat.</p>

Performance indicators for feature 6

The performance indicators are part of the conservation objective, not a substitute for it. Assessment of plans and projects must be based on the entire conservation objective, not just the performance indicators.

Attribute	Specified Limits	Comments	Relevant Unit[s]
<i>Performance indicators for feature condition</i>			

Attribute	Specified Limits	Comments	Relevant Unit[s]
(a) Distribution	Otter signs present at 90% of Otter Survey of Wales sites	Ref: CCW Environmental Monitoring Report No 19 (2005) ³	All
(b) Breeding activity	2 reports of cub/family sightings at least 1 year in 6	Ref: CCW Environmental Monitoring Report No 19 (2005) ³	All
(c) Actual and potential breeding sites	No decline in number and quality of mapped breeding sites in sub-catchments (see Ref)	Ref: CCW Environmental Monitoring Report No 19 (2005) ³ In the Usk catchment, 77 actual or potential breeding sites have been identified, distributed throughout the catchment on the main river and tributaries.	All

5.

APPLICATION DETAILS

No: 20/0277 **Ward:** Tredegar Park
Type: Full Application
Expiry Date: 8th June 2020
Applicant: Gareth Draper Newport City Council
Site: Ysgol Gyfun Gwent Is Coed Duffryn Way Duffryn Newport NP10 8BX
Proposal: **TEMPORARY ANCILLARY ACCOMMODATION AND ASSOCIATED WORKS**

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks consent to install no.2 two-storey demountable buildings and no.2 single storey demountable building in the grounds of Ysgol Gyfun Gwent Is Coed car park for a temporary 3 year period. The proposed buildings would be a temporary modular design with either a rectangular or square providing accommodation for sports hall, kitchen/dining and classrooms.
- 1.2 Ysgol Gyfun Gwent Is Coed is a new Welsh Medium Secondary School which was granted permission on 29 May 2016 involving the subdivision of Duffryn High School and the construction of new school blocks and associated education facilities (16/0222). The site is within the urban area but lies within Zone C1 flood risk area and close to Gwent Levels SSSI.
- 1.3 The application is being determined by Planning Committee as the land is owned by Newport City Council.

2. RELEVANT SITE HISTORY

04/0342	Sports Hall	Granted with conditions
04/0943	Boundary Fence	Granted with conditions
06/1676	Erection of climbing wall and frame	Granted
15/1103	Subdivision of existing Duffryn high school site to facilitate the provision of a welsh medium secondary school. Construction of 1no. 3 storey teaching block to serve Duffryn high school and 1no. 3 storey teaching block to serve welsh medium school. Creation of new vehicular and pedestrian access points, amended parking/drop off areas, new sports pitches, playing fields and floodlighting of 3g pitches. minor alterations and new access ramp to building 2	Refused
15/1104	New sports hall, associated access and parking provision (outline)	Withdrawn
16/0222	Construction of 2no. 3 storey new teaching blocks on the current Duffryn high school site. Subdivision of the site to facilitate the provision of a welsh medium school in blocks 1 and 5 and English medium school in block 2, 3 and 4. new internal security fencing and gates and some replacement external security fencing, new sports pitches, muga's and playing field on the existing site. floodlighting of 3g all	Granted with conditions

	weather pitch. new vehicle and pedestrian crossing on Duffryn way and controlled pedestrian crossing on lighthouse road. minor internal alterations and new entrance with canopy and glazed screen and access ramp to block 2. (resubmission following refusal of planning application 15/1103)	
16/1177	Non material amendment to planning permission 16/0222 for changes to phase 2 car park	Approved with conditions
17/0659	Non material amendment to planning permission 16/0222 (provision of a welsh medium school and other alterations) to replace/relocate refuse storage area, new footpaths, reconfiguration of entrance to block 05, changes to external finishes/colours, alterations to windows of blocks 04 and 05 and omission of entrance canopy to block 04	Approved with conditions
18/0489	Temporary siting of a two storey demountable classroom (august 2018 to april 2021)	Granted with Conditions

3. POLICY CONTEXT

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

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

Policy **SP2 Health** favours proposals which make a positive contribution to health and well being and by being in sustainable locations.

Policy **SP4 Water Resources** favours developments that minimises water consumption, incorporates SUDs and generally manages water resources and drainage effectively.

Policy **SP12 Community Facilities** – Development that affects existing Community Facilities should be designed to retain or enhance essential facilities.

Policy **GP1 Climate Change** states that development should be designed to withstand predicted climate change and reduce the risks and consequences of flooding, minimise energy requirements, reuse/recycle construction material and meet the relevant BREEAM or Code for Sustainable Homes Level.

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

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

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

Policy **GP5 Natural Environment** states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of

water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.

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

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

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

Policy **CE6- Archaeology** states that development will be expected to carry out an impact assessment before any works

Policy **CF1 Protection of Playing Fields, Land and Buildings Used for Leisure, Sport, Recreation and Play** states application for the redevelopment of all playing fields and areas used for recreational play will only be permitted where, alternative provision of the same benefit is available or the land/building is surplus to requirement.

3.2 **Supplementary Planning Guidance (Adopted)**

- Parking Standards
- Archaeology & Archaeologically Sensitive Areas
- Wildlife and Development SPG
- Trees, Woodland, Hedgerows and Development Sites

3.3 **Planning Policy Wales**

3.3.1 National planning policy in the form of Planning Policy Wales (Edition 10, 2018)

(PPW) is of relevance to the determination of this application. The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

3.3.2 The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking.

- Maximising well-being and sustainable places through placemaking (key planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Accessibility
- Supporting Infrastructure

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing)

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic environment, Green Infrastructure, Landscape, Biodiversity and Ecological networks)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

3.4 Technical Advice Notes:

3.4.1 The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 5 – Nature Conservation and Planning
- Technical Advice Note 11- Noise
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Flooding and Development

3.5 Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

4. CONSULTATIONS

4.1 DWR CYMRU - WELSH WATER- No response to the formal application but the following comments were made to the PAC report: -

The foul flows only from the proposed development can be accommodated within the public sewerage system. We advise that the flows should be communicated with to the foul sewer between manholes ST3085005 and ST29859107 located in the Duffryn Way north of the site.

Should a planning application be submitted for this development we will seek to control these points of communication via appropriate planning conditions and therefore recommend that any drainage layout or strategy submitted as part of your application takes this into account.

However, should you wish for an alternative connection point to be considered please provide further information to us in the form of a drainage strategy, preferably in advance of a planning application being submitted.

In addition, please note that no highway or land drainage run-off will be permitted to discharge directly or indirectly into the public sewerage system.

Grease Trap

We recommend that the applicant investigate the use of an adequate grease trap, to be installed in accordance with details that have been submitted to and approved in writing by the local planning authority. Thereafter the grease trap shall be maintained so as to prevent grease entering the public sewerage system.

Surface Water Drainage

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. As highlighted in these standards, the developer is required to explore and fully exhaust all surface water drainage options in accordance with a hierarchy which states that discharge to a combined sewer shall only be made as a last resort. Disposal should be made through the **Page 120** technical approach, preferring infiltration and, where

infiltration is not possible, disposal to watercourses in liaison with the Land Drainage Authority and/or Natural Resources Wales.

It is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, DCWW is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

4.2 NATURAL RESOURCES WALES-

Protected sites and Species

Natural Resources Wales has significant concerns with the proposal unless a condition requiring a detailed Construction Environmental Management Plan is submitted to the LPA to be agreed prior to any works.

It should be noted that a CEMP was submitted with the application but following a request by NRW. The CEMP has been sent to NRW but to date no formal response on the CEMP submitted has been received.

Flooding

NRW refer to their comments within the PAC report. In summary, NRW have indicated that the LPA should be satisfied that the proposed development can be justified in this location under the requirements of Section 6 of TAN15 parts (i) to (iii) but it is for the applicant to demonstrate that flooding can be managed through the submission of a FCA. The following points regarding the FCA have been summarised from the NRW response in the PAC report:

-

- The FCA shows that the risks and consequences of flooding are manageable to an acceptable level. Therefore, we have no concerns on flood risk grounds to the draft proposals.
- We are satisfied that the site is predicted to be flood free in a current day 1% AEP event. Given the temporary nature of the school buildings we are also satisfied that this event can be used to assess A1.14 criteria. We are satisfied that this proposal meets A1.14 criteria.
- Some criteria within A1.15 have not been met. We will advise the Local Planning Authority of this and it will be for them to be satisfied whether these risks and consequences are acceptable.
- The FCA states that there is no increased flood risk elsewhere as a result of the temporary classrooms (Section 8.5). The FCA shows that the risks and consequences of flooding are manageable to an acceptable level. As it is for the Local Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we would recommend they consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding
- Greenfield Run-Off Rates (3.5.l/s/ha) need to be adhered to as stated.

A further consultation response was received by NRW on the submitted CEMP requesting some amendments but due to the limited time for determination, it was agreed to condition the CEMP and to submit at a later stage as a condition discharge.

4.3 NEWPORT ACCESS GROUP- No response have been received to date.

4.4 SPORTS COUNCIL FOR WALES- A response was received but indicated that the Sports Council had no comments to make.

4.5 DUFFRYN RESIDENTS ASSOCIATION- No response has been received.

4.6 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST (GGAT)- No objection subject to a condition requiring written scheme of management mitigation

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF CITY SERVICES (HIGHWAYS) – No objection but have requested confirmation of exact staff and pupil numbers in order to confirm that the parking provision is sufficient and also how many pupils would be utilising the bus service. In addition, it is requested that temporary road markings and signage would be needed for the car park as well as details of the cycle storage relocation.

5.2 HEAD OF CITY SERVICES (Landscape Officer)- The Landscape Officer did not object but raised concerns that the trenching works for the new connection to the sewer could cross through tree root protection areas (RPA) or very close to them, resulting in the loss of some existing saplings. Some of the saplings can potentially be saved via re-routing of the proposed sewer connection. As has been highlighted by DCWW at pre-application stage response:

This proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'

As a result of a separate SAB process, new landscape elements can potentially be requested to comply with Standards S4 (Amenity) and S5 (Biodiversity).

5.3 HEAD OF CITY SERVICES (TREES)- No objections subject to a condition requiring an Arboriculturalist has been appointed to oversee the project (to perform a Watching Brief) for the duration of the development.

5.4 HEAD OF LAW AND REGULATORY SERVICES (PUBLIC PROTECTION) No objections to the proposal subject to condition for the submission of a Construction Environmental Management Plan (CEMP) and to control noise emitted from any plant and equipment.

5.5 HEAD OF CITY SERVICES (DRAINAGE MANAGER)- No comments have been received to date.

5.6 HEAD OF CITY SERVICES (ECOLOGY OFFICER)- No objection but noted that the works to the grassed area to the front would result in the loss of a species rich grassland required as part of the original 2016 consent. Therefore to compensate for its loss, a condition is requested to reinstating a species-rich grassland or pictorial meadow is recommended.

6. REPRESENTATIONS

6.1 NEIGHBOURS: A site notice displayed on 31st March 2020. No representations have been received to date.

6.2 COMMUNITY COUNCIL: no comments received.

7. ASSESSMENT

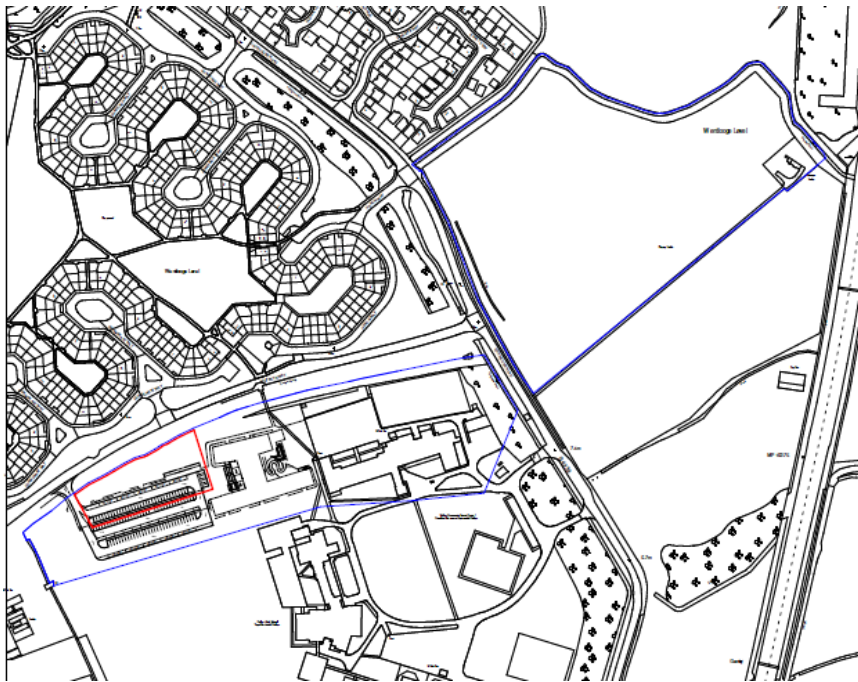
7.1 Site Description

7.1.1 The application site is the car park and bus stop area of an existing school, Ysgol Gyfun Gwent Is Coed, which is a new Welsh Medium Secondary School located along Duffryn Way, Newport. The application site lies some 2.1 miles to the south west of Newport City Centre but still within the Urban Boundary. The site is also located within an Archaeological Sensitive Area and a C1 flood zone.

7.1.2 The car park is adjoined to the east by the main school structure, a sports field associated with John Frost School to the south and an existing re-en laying to the north, with Duffryn Way just beyond. To the west lies the Duffryn Boiler House.

7.1.3 The wider context is largely residential in character but within close proximity to some light employment sites and good transport routes to major roads. There is an existing vehicular

and pedestrian access route into the site to the north west of the application site from Duffryn Way.

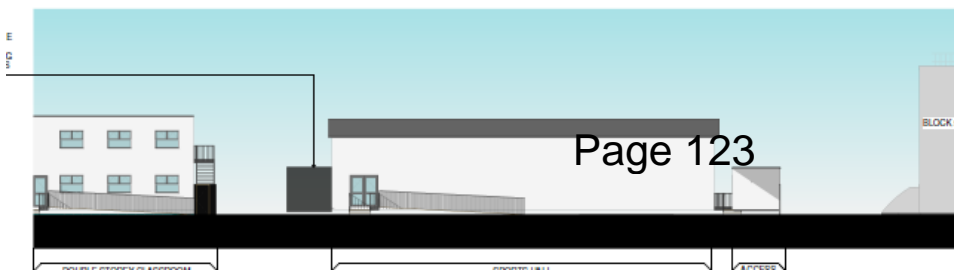
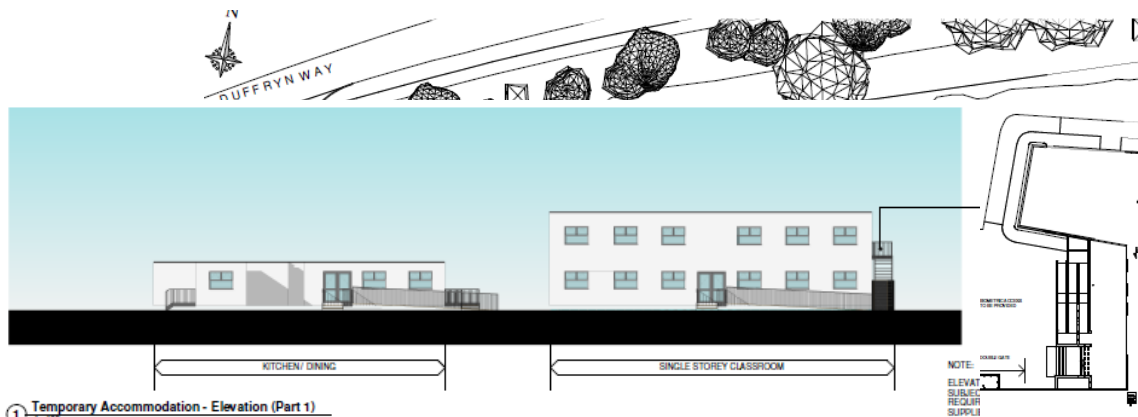


7.2 Description of Development

7.2.1 The proposal is for the construction of large temporary structures as well as associated works at Ysgol Gyfun Gwent Is Coed, Newport. The temporary units comprise a mix of 1 and 2 storeys, modular in nature and will be of a standard utilitarian appearance. Specifically, the proposed units would be as follows: -

- Kitchen structure (1 storey) – 8.6m by 9m x 3m high
- Dining structure (1 storey) – 8.6m by 9m x 3m high
- Food Tech & Change structure (2 storey) – 21m by 10m x 6m (flat roof)
- Sports Hall structure (2 Storey- pitched roof) 21m by 10m x 6m (to ridge) eaves 4.4m

7.2.3 The units are required to provide temporary accommodation whilst the wider site is developed to provide a purpose built, modern school building. The wider site is being partially redeveloped as part Newport City Council’s 21st Century School Band B Strategic Outline Programme (SOP) and currently being considered under application 20/0321. The intention is to provide a new teaching block with dining facilities and sports hall to replace the existing, 1950’s era Block 1 building which is currently in critically poor condition. Below is an extract of the site layout and elevations of the temporary structures proposed; -



7.1 Principle of Development

- 7.1.1 This application seeks consent to install two two-storey and two single storey buildings in the grounds of Ysgol Gyfun Gwent Is Coed for a dining/kitchen facilities, a sports hall and classroom accommodation.
- 7.1.2 Since this proposal would be in connection with an existing school which is located within the urban boundary, the provision of additional facilities to support this use is, in principle, acceptable, satisfying the requirements of SP1, SP2 and SP12 of the Adopted LDP 2011-2026, which seek to provide sustainable development and enhance existing school facilities subject to the proposal satisfying a number of general planning policies and material considerations. These will now be assessed in turn.

7.2 Design and Visual Impact

- 7.2.1 The proposed buildings are a simple rectangular shape and utilitarian design and appearance. They would be externally finished in Glass Reinforced Plastic with integral insulation but there is no confirmation of colour. The two storey classroom and the single storey kitchen dining area would have a flat roof whereas the sports hall proposes a shallow pitched roof.
- 7.2.2 The proposed buildings are all of a simple rectangular shape and utilitarian design and appearance. The proposed finishes have not been finalised but this can be conditioned and agreed prior to the commencement of the development. The buildings are relatively large for temporary modular buildings but are appropriate when seen in the context of existing school buildings, which are typically constructed to three storeys upon a plinth of approximately 1.5m. From outside the school grounds, distant and partial views may be possible from Duffryn Way but due to a heavy tree and vegetation screen, the wider visual impact would be minimal.
- 7.2.4 Having regard to the proposed development and the site context, it is considered that the proposed development has a practical scale and design that are common as temporary school structures whereas the siting within the school grounds ensures that there would be no significant effect on the visual amenities of the area, thereby satisfying Policy GP6 of the Adopted LDP 2011-2026.

7.3 Impact upon Neighbouring properties

- 7.3.1 The nearest residential properties to the proposed buildings would be those at Cormorant Way. These properties would be approximately 65-70m away from the proposed building. Due to this separation distance and the presence of mature trees, hedgerow and public roads, it is considered that the proposed buildings, to be sited on a temporary basis, would not have any significant adverse effect on residential amenity of the neighbouring properties, particularly with regards to privacy, overbearing as well as general noise and disturbance.
- 7.3.2 The Head of Law and Regulatory Services (Public Protection) has no objections to the proposal. Having regard to the above, it is considered that the proposal satisfies Policies SP2 and GP7 of the Adopted LDP 2011-2026.

7.4 Traffic, Highway Safety and Parking

- 7.4.1 The proposed development would be situated on the existing car park and bus stop locations that currently exist for the school. The location of the temporary buildings would result in the loss of 44 spaces- 5 bus stop spaces and 39 car parking spaces.
- 7.4.2 The agent has indicated in the planning statement submitted with the application that the existing car park has been constructed in accordance with the approved 2016 application for the completed school, future proofing the school for its capacity of 900 pupils. The new teaching block that will be constructed during this temporary period will provide accommodation for an additional 500 pupils. Accordingly, it is reasonable to assume that the school is currently occupied by a maximum of 400 pupils and is seeking to retain 65 car parking spaces, 10 drop off pick up spaces and 5 bus drop off points as well as circulation space.
- 7.4.3 The Highways Authority were consulted and have requested confirmation of exact staff and pupil numbers in order to confirm that the parking provision is sufficient and also how many pupils would be utilising the bus service. In addition, it is requested that temporary road markings and signage would be needed for the car park as well as details of the cycle storage relocation.
- 7.4.4 The applicant has provided details of exact staff and pupil numbers indicating that at its maximum, there would be 50 staff and 15 ancillary staff, which equates to 65 space requirement. The car park would retain 82 spaces demonstrating that there would be over provision of parking.
- 7.4.5 With respect to bus use, it has been confirmed that during 2019/2020, 4 big buses (50 pupils each) and two minibuses have been dropping off pupils at YGGIC. There will be another 100 pupils in September (2020/2021). In the worst case scenario, i.e. that all pupils are travelling by bus, this would mean that another 2 big buses (or more minibuses) may be required. This does however depend on where the pupils come from. By 2023, it is indicated that in the worst case scenario (all pupils using the bus service) that 10 buses could be in use. Although this is greater than the 5 bus stop provision that would remain, it is indicated that the over provision of car parking spaces (17), where there are drop off and pick up spaces that could be utilised in order to prevent any hold-up in the car park and to ease any congestion during the peak times.
- 7.4.6 Accordingly, it is considered that the parking provision for the school for the temporary three year period or until Block 1 is completed would be adequate. In addition, the temporary consent condition would ensure that prior to the new block being occupied, the temporary buildings would have to be removed to ensure the full capacity of the car park can be utilised when the school is accommodating 900 pupils. Conditions can be included with the consent to require the layout and signage of the temporary car park as well as cycle storage requested by the Highways Officer to be provided.
- 7.4.5 Accordingly, it is considered that the proposal would be acceptable in respect of parking and highway safety, complying with the requirements of policies GP4 and T4 of the Adopted LDP 2011-2026

7.5 Trees, Ecology and Biodiversity

- 7.5.1 The proposed development is approximately 240m from Gwent Levels - Brides SSSI. The SSSI is notified for its range of aquatic plants and invertebrates associated with the reens and ditches of the drainage system. In summary, the special interests of the SSSI are dependent on the water quality, water quantity, the existence of the drainage system and its continued management. The proposed works are adjacent to the watercourse 'Tredegar Cutting' that links to the SSSI watercourse named Pontycwaw Reen.
- 7.5.2 An Ecological Appraisal survey was carried on 10th January 2020 and submitted with the application. A Drainage statement dated 29th January 2019 was also submitted and sets out that surface water runoff from the existing car park is collected in a system of linear drainage channels, that run longitudinally through the car park, and then passes through an oil bypass interceptor prior to discharging in to the Tredegar Cutting rean.'

- 7.5.3 National Resource Wales and the Council's Ecologist were consulted on the application and following consideration of the above documents, have indicated that they would not object subject to a condition requiring a Construction Environmental Management Plan to address any potential prevention measures to watercourse during the construction period.
- 7.5.4 The Council's Ecologist also indicated in her response that the area of vegetation and wildflower meadow grassland to the front of the site will be impacted by the proposed drainage development. This area was part of the recommendations of the approved ecological assessment for the 2016 permission. Whilst this is not priority habitat, it is considered that the area will offer a valuable forage resource for wildlife. It would not be proportionate to request an update survey but a condition is requested to compensate for its loss by reinstating a species-rich grassland or pictorial meadow in this area.
- 7.5.5 The development would also possibly result in the loss of a tree when constructing the foul water connections to the front of the site. The tree, however, was only recently planted and is a small sapling, as such, its removal would not impact upon the visual amenities of the site or any protected species or their habitats. Although the tree officer has requested a condition for an Arboriculturist to be present during groundworks, due to loss of only a small sapling, it is considered acceptable to require the applicant to submit details of the replacement tree.
- 7.5.6 A proposed CEMP was submitted with the application but late in the process (late April). Although Highways, NRW and the Council Ecologist have responded there was not sufficient time to amend the CEMP in time before the upcoming planning committee. Rather than delay the determination of the application it was agreed with the agent that the application could be conditioned requiring the CEMP to be submitted as a condition discharge at a later stage.
- 7.5.7 It is, therefore, considered that, subject to the imposition of the CEMP condition and a biodiversity enhancement condition for the grassland to the front and replacement trees, the proposed development would not have a significant impact on the SSSI or any protected European species and provide ecological enhancements on the site. As such, the development is considered to satisfy Policies GP2, GP6, SP9 and GP5 and GP7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015) as well as Technical Advice Note 5 and Supplementary Planning Guidance: Wildlife and Development (SPG: WD).

7.6 Archaeology

- 7.6.1 The site is outside of, but in close proximity to, an Archaeologically Sensitive Area. Glamorgan Gwent Archeological Trust were consulted and indicated that the proposal would require mitigation.
- 7.6.2 While the site is not designated, it does border both the Newport Archaeological Sensitive Area and the Gwent Levels Registered Historic Landscape (HLW (Gt) 2), specifically the Eastern St Brides Character Area (HLCA0015), as defined within the Register of Landscapes of Outstanding Historic Interest in Wales.
- 7.6.3 Initially, GGAT indicated that there remains the possibility of encountering archaeologically significant features or structures and requested a condition for written scheme of historic environment. However, following correspondence with the agent where it was confirmed that the only ground intrusion would be for drainage (in previously disturbed ground) then a watching brief would not be appropriate in this particular case.
- 7.6.3 As such, no conditions are required for a written scheme of historic environment and the development would comply with policy CE6 of the Adopted LDP 2011-2026

7.7 Flooding

- 7.7.1 Policies SP3- Flood Risk, GP1- Climate Change and GP7- Environmental protection and Public Health of the Council's Adopted Local Development Plan 2011-2026 are of relevance insofar as it relates to ensuring vulnerable development is directed away from flood zones

and development will only be permitted in flood zones where the flooding risk is mitigated to an acceptable level.

- 7.7.2 The site lies within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN 15). NRW's flood map information, which is updated on a quarterly basis confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Ebbw and within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) tidal flood outlines.
- 7.7.3 Planning permission was issued on 19 May 2016 for the new school Ysgol Gyfun Gwent Is Coed. The school is partially completed and occupied but the remainder of the school will be completed over the next few years. This proposal involves the provision of buildings to be used in conjunction with the school prior to the completion of Block 1.
- 7.7.4 TAN 15 sets out a precautionary framework and identifies that new development should be directed away from areas which are at high risk of flooding (defined as Zone C), and where development has to be considered in such areas, only those developments which can be justified on the basis of the tests outlined in the TAN are to be located in such areas.
- 7.7.5 As the school site benefits from planning permission and based on the rationale for the proposed development, this new facility can only be provided within the grounds of the school and, as such, its location within Zone C is necessary and justified. Officers consider that the proposal comprises a regeneration initiative since it is a proposal associated with the delivery of education services and aims to meet the needs of the community and provide the best learning provision for the area. The establishment of the school itself formed part of the 21st Century Schools and Education Programme and subject to major, long term and strategic capital investment.
- 7.7.6 Accordingly, the development would occur within the grounds of a school and on a site that is within the urban boundary. Apart from flood and climate change considerations, it is considered that the proposal is consistent with Planning Policy Wales and constitutes previously developed land. The justification for the proposed development is therefore supported in principle, complying with the requirements of (i) to (iii) of section 6 of TAN15.
- 7.7.7 The submitted FCA has been considered by Natural Resources Wales (NRW) however they explain that the technical data used to inform the assessment (CES model) is now outdated since NRW have recently undertaken a catchment-wide hydraulic model for the River Ebbw. However, taking the CES model at face value, this represents a worst-case estimation of flood risk at the site and in this instance, considered suitable for informing this FCA.
- 7.7.8 The proposed temporary buildings are to be set at a level of 7m AOD (Section 6 of the FCA). Table 6.1 in the FCA indicates the site is not at risk of flooding during a 0.5% AEP (1 in 200 year) tidal flood event. The site is at risk of flooding in a 5% AEP fluvial event (1 in 20 year) to a level of 6.66m AOD with the temporary buildings located above the 3.33% AEP (1 in 30 year) flood level of 6.82m AOD. A fluvial flood level of 7.26m AOD is predicted in the FCA during the 1% AEP (1 in 100 year) fluvial event, indicating the temporary buildings would flood to 0.26m AOD. However, the NRW Ebbw ICM model indicates the site to be flood free in a current day 1% (1 in 100 year) AEP fluvial event.
- 7.7.9 On this basis, NRW are satisfied that the site is predicted to be flood free in a current day 1% AEP event. Given the temporary nature of the school buildings NRW have confirmed that the proposal would be compliant with TAN15 A1.14 criteria.
- 7.7.10 Paragraph A1.15 of TAN15 also sets out that as the site would be expected to flood, it would not be sensible for developments to be built in areas where the velocity and depth of floodwaters was such that structural damage was possible or that people could be swept away by the flood. TAN 15 provides indicative guidance on what are considered tolerable conditions for different types of developments. In this instance, it would be 600mm flood depth, maximum rate of rise would be 0.3, speed of inundation 4hrs and 0.15-0.3 maximum velocity of water rate.

- 7.7.11 National Resource Wales set out that the worst-case predicted flow velocity of 0.45m/s is given in the FCA for a 0.1% AEP fluvial event which is in excess of the 0.15m/s and 0.3 m/s guidance whereas fluvial flood water may take over 9 hours to reach the site, below the 4 hour guidance. No rate of rise is given in the FCA for comparison with A1.15 criteria. As such, the scheme would not meet some of the tolerable flood conditions set out in TAN15.
- 7.7.12 Despite the proposal not fully satisfying the requirements of A1.15 TAN15 and Policy SP3 of the NLDP, this proposal would not increase the capacity of the already approved school, which already benefits from planning permission. As such, the siting of the temporary structures would not place any additional persons at risk from flooding over and above the existing approval. The scheme will also form part of the wider 'John Frost School & Ysgol Gyfun Gwent Is Coed - Flood Emergency Management Plan'. Although Officers do not have the in-house expertise to judge the effectiveness of the emergency plan, this was the position when the original proposal for the school was granted planning permission.
- 7.7.13 As such, it is considered that the proposal does not increase the risk to life over and above the approved permanent development and, on balance, would be considered acceptable in flooding.

7.8 Drainage

- 7.8.1 The application includes a drainage technical note and drainage strategy plan that sets out that the foul and surface water from the temporary buildings will be incorporated into the existing system developed for the school.
- 7.8.2 The surface water runoff from the existing car park is collected in a system of linear drainage channels that run longitudinally through the car park and then passes through a class 1 oil bypass interceptor prior to discharging in to the Tredegar Cutting reën. The peak surface water flow from the school is restricted to greenfield runoff rate into the reën and an attenuation tank is installed below the car park. The tank has the capacity to accommodate a 100-year event plus 30% climate change.
- 7.8.3 There is an existing foul water drainage system to the north of the recently constructed school block 5 and at the head of the run is a manhole (reference MH21) located to the north west corner of the block 5. This was installed to serve the site compound for the construction of phase 1 and has been left in situ.
- 7.8.4 The runoff from the roofs of the temporary accommodation units shall discharge via rainwater down pipes in to the existing linear drainage channels. As the units are to be placed on the existing car park there will not be an increase in surface water runoff in to the existing surface water drainage system. There are also gaps in the decking ramps to the accommodation, which will drain to the car park and discharge into the same system.
- 7.8.5 A temporary foul water drainage system shall be laid to the north of the accommodation that will connect in to the existing foul manhole MH21. Due to the relatively shallow depth of manhole MH21 it is likely that a package foul water pumping station may be required.
- 7.8.6 Welsh water did respond to the PAC report but has not provided any formal response to the submission. They did not object to the proposed foul connection provided a drainage strategy was submitted to them to be agreed. In addition, as the surface water drainage would be connecting to an existing system that drains to the reën on site it would not have any impact upon the mains sewer. Correspondence has also been submitted with the application that confirms that the Council's drainage section, following advice from Welsh Government, that SAB approval would not be required.
- 7.8.7 As such, subject to detailed design for the foul being connected to the mains sewer there are no concerns regarding the foul and surface water drainage proposals for the site. It is therefore considered that the proposal satisfies Policies SP4 and GP3.

8. OTHER CONSIDERATIONS

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

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

8.2 ***Equality Act 2010***

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

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

9. CONCLUSION

9.1 Having regard to policies SP1, SP2, SP12, GP1, GP2, GP4 GP5, GP6, GP7, CE6 and T7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015), it is considered that the proposed temporary buildings and associated works would be acceptable in terms of its size, design and impact on the character of the site and wider street scene. There would not be any detrimental impact on neighbours amenity or highway and pedestrian safety as well as flooding, drainage, ecology and archaeology. As such, it is recommended that planning permission is granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

1. The temporary buildings hereby permitted shall be approved for a limited period, either 3 years from the date of this decision or following occupation of the new permanent Block 1 building, whichever is the sooner. At the end of this period the buildings as well as

associated paraphernalia brought on to the land in connection with the development shall be removed, and the land restored to its former condition as a car park.

Reason: The temporary building is acceptable in view of the circumstances of the applicant until a suitable alternative site is identified and in the interests of the visual amenities of the site.

2. The development shall be implemented in accordance with the following plans and documents Flood Consequences Assessment (dated January 2020), Tree Survey, Ecology Note, Planning Statement, Design and Access Statement, flood emergency management arrangement, YGGIC-RDA-ZZ-ZZ-DR-A-05-252- Proposed Elevations, YGGIC-RDA-ZZ-ZZ-DR-A-05- 251- Proposed Site Plan, YGGIC-RDA-ZZ-ZZ-DR-A-05-250- Site Location Plan, F20010-GA- Dining and Kitchen floor plans, XXXX – 07- Food tech elevations, XXXX – 05- Changing room layout, Drainage Technical Note, 15110B YGGIC-SDL-00-XX-DR-C-SK150_P02 Temp Drainage With Pumping Station and Pre Consultation Report (PAC).

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

3. The temporary accommodation shall not be erected on site until details of finishes and colour to be used on the external surfaces of the temporary accommodation have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out using the approved materials.

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

4. The foul and surface water drainage scheme shall be in accordance with the drainage strategy indicated on the approved drainage note and drainage plan ref 15110B YGGIC-SDL-00-XX-DR-C-SK150_P02 Temp Drainage with Pumping Station. The details shall be implemented fully in accordance with the approved scheme prior to the occupation of the temporary buildings.

Reason: To ensure adequate drainage is provided.

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

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

6. Prior to the commencement of development (including demolition, excavation or construction works), a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, air quality*, vibration, dust** and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. Measures to minimise the impact on air quality should include HGV routes avoiding Air Quality Management Areas and avoid vehicle idling. The Plan shall also include details of transport and pedestrian management, including the location of a site compound, provision of contractor parking, the means of enclosure to restrict public access to the site and measures to protect the features of the Site of Special Scientific Interest from the development works hereby approved. The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first approved in writing with the Local Planning Authority.

Reason: to Protect the special features of the SSSI and comply with policies GP7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015) as well as Technical Advice Note 5 and Supplementary Planning Guidance: Wildlife and Development (SPG: WD).

7. Prior to the temporary accommodation becoming operational, a scheme providing details of the replacement trees and the installation of a species-rich grassland or pictorial

meadow to the grassland to the front of the site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include measures to promote increased biodiversity on the site and providing for the future management of any such measures as necessary. The development shall be carried out in accordance with the approved scheme and maintained in this manner thereafter.

8. Prior to the temporary accommodation hereby approved being brought into beneficial use, a scheme to detail the temporary parking layout, circulation and road signage shall be submitted to and approved in writing by the Local Planning Authority. The temporary parking layout scheme as approved shall be retained for a maximum of three years from the date of this decision or following occupation of the new permanent Block 1 building, whichever the sooner. At the end of this period the temporary parking layout and signage in connection with the development shall be removed, and the parking area restored to its former condition.

Reason:

To ensure the provision of safe on site traffic management to serve the development in the interests of highway safety and compliance with policies GP4 of the Adopted LDP 2011-2026.

9. Prior to the first beneficial occupation of the temporary accommodation hereby approved, the cycle parking shall be relocated in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable forms of transport.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP12, GP1, GP2, GP4 GP5, GP6, GP7 and T7 were relevant to the determination of this application.

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

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

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.

6.

APPLICATION DETAILS

No: 20/0308 **Ward:** Graig
Type: Full Application **Page 131**

Expiry Date: 28th May 2020

Applicant: Gareth Draper, Newport City Council

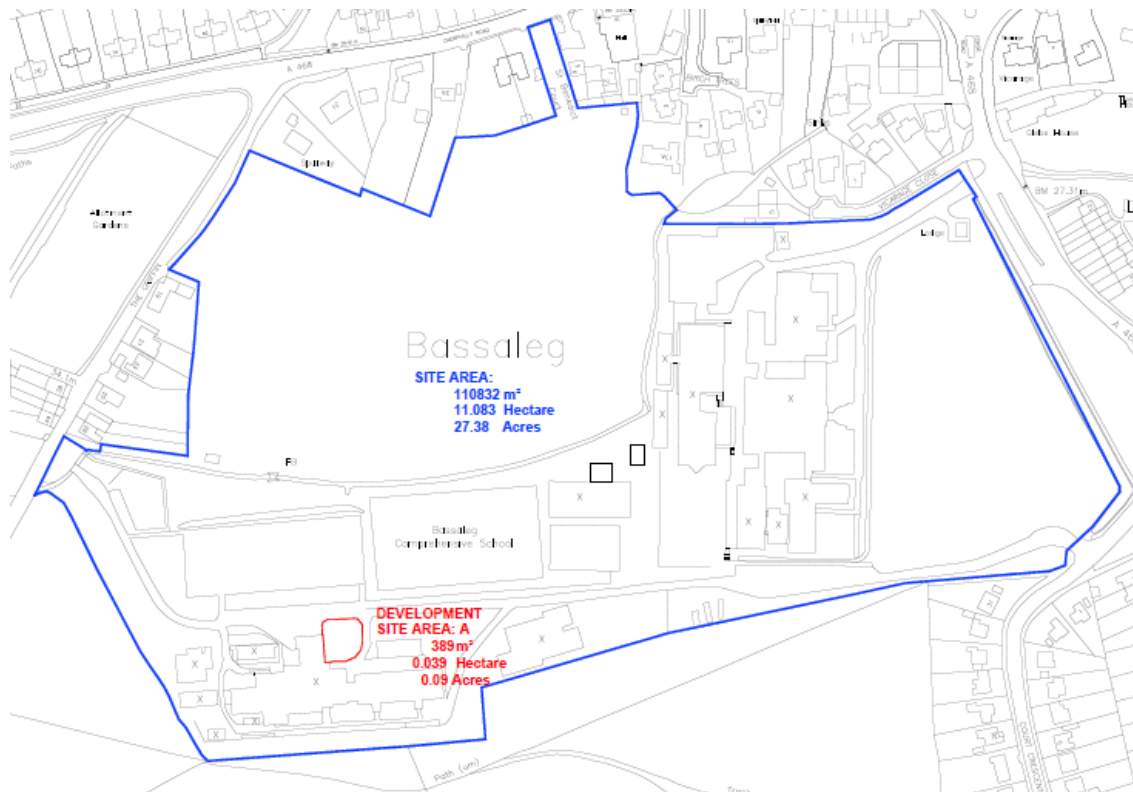
Site: Bassaleg School Forge Road Bassaleg Newport NP10 8NF

Proposal: ERECTION OF CANOPY

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

1.1 This application seeks full planning permission for the installation of a circular canopy within the confines of Bassaleg School. It would be constructed over an area currently used for outdoor seating, in front of the Lower School building.



1.2 This is a Committee application as it relates to a Council owned property.

2. RELEVANT SITE HISTORY

15/1009	REPLACEMENT BOUNDARY FENCE AND GATES	Granted with conditions
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3. POLICY CONTEXT

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

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

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

preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

4. CONSULTATIONS

4.1 None

5. INTERNAL COUNCIL ADVICE

5.1 None

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties sharing a common boundary with the school were consulted (37 properties). No responses.

6.2 GRAIG COMMUNITY COUNCIL: No response.

7. ASSESSMENT

7.1 The proposed canopy would be circular and would be fixed to the ground by a central pole. The canopy would extend out 6m from the central pole. The pole would be constructed of galvanised steel, finished in powder coated blue and the canopy would be a white tensile structure.

7.2 The canopy would be positioned on an existing grassed area in front of the Lower School. It would provide cover for the existing outdoor seating area.



7.3 Policies GP2 (General Amenity) and GP6 (Quality of Design) of the Newport Local Development Plan are relevant to the determination of the application.

7.4 Policy GP2 seeks to protect local amenity. The proposed canopy would be located well within the confines of the school. The nearest neighbouring residential property would be around 125m away from the canopy and as such it is considered that local amenity would not adversely affected by the proposal.

7.5 There are distant views of the school from Caerphilly Road and The Griffin. The canopy would be seen against the back drop of the existing school buildings. The proposed canopy is not considered to be visually harmful in terms of its impact on the wider street scene or the character or appearance of the school buildings.

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

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

8.2 **Equality Act 2010**

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

8.3 Having due regard to advancing equality involves:

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

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

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

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

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

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

9. **CONCLUSION**

9.1 The proposed canopy is considered to be acceptable and would be in accordance with policies GP2 and GP6. It is not considered to cause any visual harm nor would it be harmful to local amenity. It is recommended that planning permission is granted with conditions.

10. **RECOMMENDATION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: NPS-00-00-DR-A-(00)-001 P1, NPS-DR-A-(**)-004 P3 and NPS-DR-A-(**)-003 P3.

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

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 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.

7.

APPLICATION DETAILS

No: 20/0335 **Ward:** Graig
Type: Full Application
Expiry Date: 25th June 2020
Applicant: Newport Norse
Site: Bassaleg School Forge Road Bassaleg Newport NP10 8NF
Proposal: PROPOSED TWO STOREY DEMOUNTABLE CLASSROOMS
Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

1.1 This application seeks consent to install a two storey demountable building, in the south west of the grounds of Bassaleg School in the Graig Ward. The proposed building would have a rectangular shape, it would be two storeys, measuring approximately 22m x 9.7m and have a flat roof, 6.3m in height. The first floor would be accessed via some external steps either end of the building.

1.2 This is a Planning Committee application as it relates to a Council owned site.

2. RELEVANT SITE HISTORY

93/1181	ERECTION OF DEMOUNTABLE CLASSROOM EXTENSION	Granted
97/0532	REPLACEMENT OF TWO SINGLE CLASSROOM DEMOUNTABLES WITH ONE DOUBLE CLASSROOM DEMOUNTABLE	Granted with Conditions
02/0594	CONSTRUCTION OF 2 NO. DOUBLE CLASSROOM DEMOUNTABLES	Granted with Conditions
03/0776	ERECTION OF 1NO. DOUBLE DEMOUNTABLE CLASSROOM	Granted with Conditions
03/0956	ERECTION OF DOUBLE DEMOUNTABLE CLASSROOM UNIT	Granted with Conditions
09/0796	ERECTION OF SINGLE STOREY PITCHED ROOF BUILDING TO PROVIDE CLASSROOMS	Granted with Conditions
10/0826	REPLACEMENT OF EXISTING 1.4M HIGH VERTICAL BAR FENCING WITH 2.4M HIGH VERTICAL BAR FENCING TO FRONT (CAERPHILLY ROAD) ELEVATION	Granted with Conditions
12/0617	ERECTION OF EXTENSION TO EXISTING CLASSROOM BLOCK TO PROVIDE 2NO. ADDITIONAL CLASSROOMS	Granted with Conditions
15/1009	REPLACEMENT BOUNDARY FENCE AND GATES	Granted with Conditions
19/0350	ERECTION OF DEMOUNTABLE CLASSROOM UNIT ON EXISTING HARD STANDING	Granted with Conditions

3. POLICY CONTEXT

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

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

Policy **SP2 Health** favours proposals which make a positive contribution to health and well being and by being in sustainable locations.

Policy **SP4 Water Resources** favours developments that minimises water consumption, incorporates SUDs and generally manages water resources and drainage effectively.

Policy **SP12 Community Facilities** – Development that affects existing Community Facilities should be designed to retain or enhance essential facilities.

Policy **GP1 Climate Change** states that development should be designed to withstand predicted climate change and reduce the risks and consequences of flooding, minimise energy requirements, reuse/recycle construction material and meet the relevant BREEAM or Code for Sustainable Homes Level.

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

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

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

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

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

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

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

Policy **CF1 Protection of Playing Fields, Land and Buildings Used for Leisure, Sport, Recreation and Play** states application for the redevelopment of all playing fields and areas used for recreational play will only be permitted where, alternative provision of the same benefit is available or the land/building is surplus to requirement.

3.2 **Supplementary Planning Guidance (Adopted)**

- Parking Standards SPG
- Air Quality SPG

3.3 **Planning Policy Wales**

3.3.1 National planning policy in the form of Planning Policy Wales (Edition 10, 2018)

(PPW) is of relevance to the determination of this application. The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

3.3.2 The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Accessibility
- Supporting Infrastructure

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing)

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic environment, Green Infrastructure, Landscape, Biodiversity and Ecological networks)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a derisking approach)

3.4 Technical Advice Notes:

3.4.1 The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 5 – Nature Conservation and Planning
- Technical Advice Note 11- Noise
- Technical Advice Note 12 – Design (2016)

3.5 Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

4. CONSULTATIONS

4.1 Welsh Water/Dwr Cymru- No response to date.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS) - The Highways Authority offers no objection to this application.

5.2 HEAD OF REGENERATION AND REGULATORY SERVICES (PUBLIC PROTECTION MANAGER) - no objections to the proposals; however recommend that the following condition

6. REPRESENTATIONS

6.1 NEIGHBOURS: A site notice displayed on 10th April 2020.

Two letters of representations were received objecting to the planning application. One from the Vice Chair of Governors and another on behalf of Court Crescent and Forge Lane Residents Committee. The issues raised have been summarised below: -

- Air Quality- The Council has no pollution strategy
- Traffic congestion
- Parking and Speeding along Court Crescent
- Lack of Pedestrian safety for pupils
- Pupils should be required to enter and exit via main gate with other entrances closed off
- Lack of Parking as well as bus drop and pick facilities within grounds of school
- Noise coming from pupils during break times as well as start and leaving times close to Court Crescent
- Capacity of school should not exceed 1200
- Overcapacity at school already and existing facilities dilapidated. Additional numbers would result in impact upon welfare and safety of existing pupils
- Capacity exists in other schools within the catchment area

6.2 COUNCILLORS: Local ward Members consulted. No response has been received to date

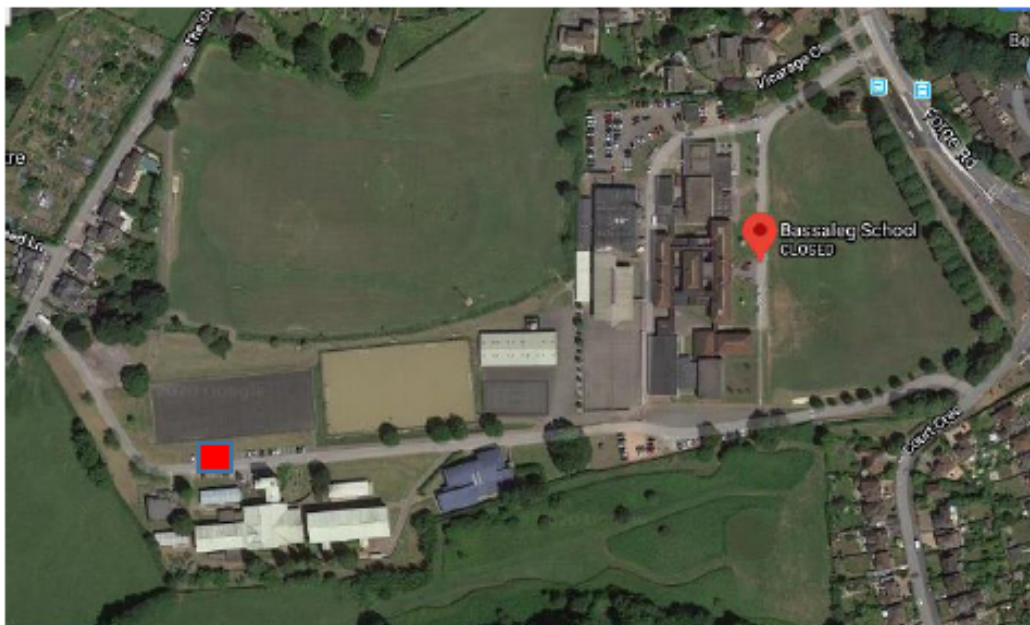
6.3 COMMUNITY COUNCIL: No objection to the proposals

7. ASSESSMENT

7.1 Site Description

7.1.1 The site relates to the existing Bassaleg High School grounds, located within 'Urban Boundary' as identified in the Newport Local Development Plan 2011-2026. The school is located within spacious grounds and the main access is located on Forge Road.

7.1.2 The school comprises of a number of permanent buildings and temporary modular buildings that have been constructed on the site over many years. The proposed scheme is located to the south west of the grounds, nearer to the rear boundary, which backs onto The Griffin.

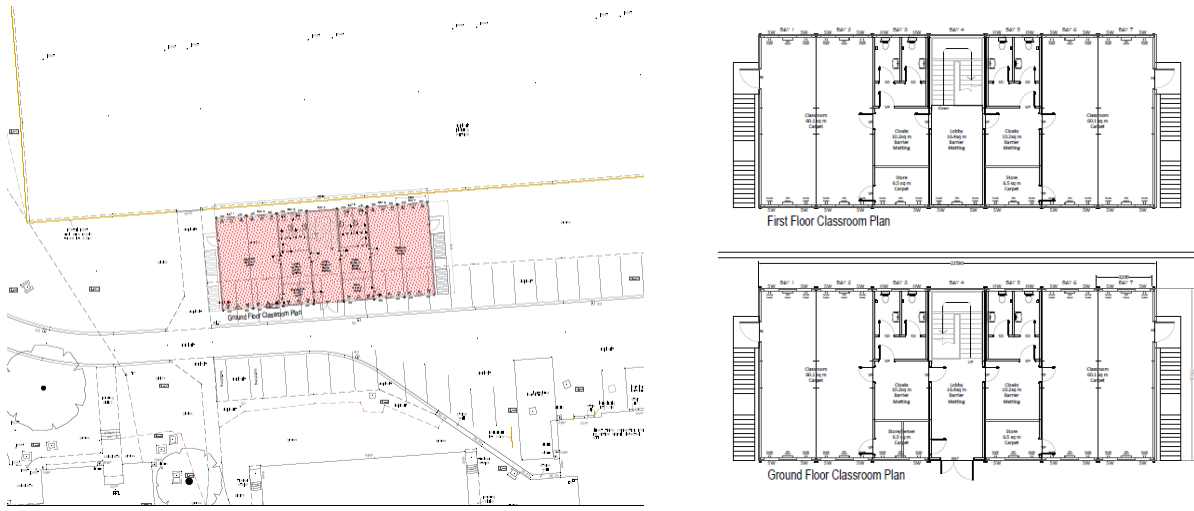


7.2 Description of Development

7.2.1 This application seeks consent to install a two storey demountable building in the grounds of Bassaleg School.

7.2.2 The proposed building would have a rectangular shape, measuring 22m x 9.7m and 6.3m high. The building would be partially sited on an existing hardstanding and a small grassed area to the south west of the curtilage near to the outdoor concrete sports facility. The entrances to the proposed building would be located on both ends and the front elevation with upper floors access via external steps.

7.2.3 The building would accommodate four classrooms, storage and toilets. It would be externally finished in low-key materials and colours, namely Moorland green walls, grey doors and white window, guttering and downpipes. Extracts of plans below



7.3 Principle of Development

7.3.1 The applicants state that the proposed building is required as a temporary measure (2 years to 2023) to address an increased capacity for the school in the upcoming September term and beyond. Specifically, the Design & Access Statement sets out that the school currently has provision for circa 1750 pupils and this is forecast to increase to circa 2050 places in the next 5 years with the pupil admission expected to increase from 270 to 330 in the Year 7

Cohort from September 2023. Future years are expected to continue with the intake of 330 pupils until the school reaches maximum capacity of 2050 pupils.

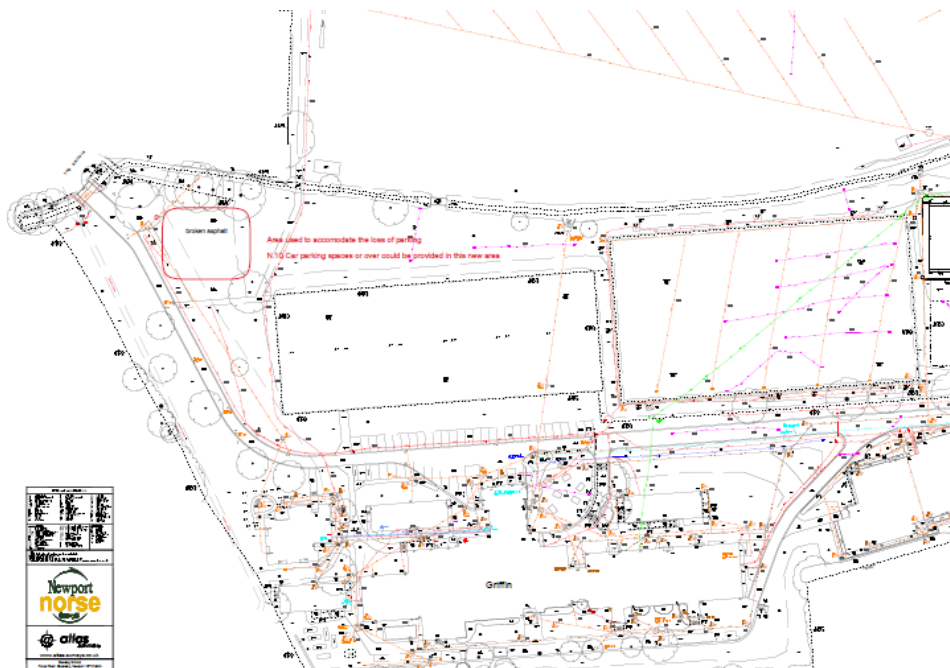
- 7.3.2 In order to facilitate this increase the applicant is currently investigating options for a new permanent teaching block, which will allow for the replacement of the existing dilapidated demountable buildings and other end of life buildings on the site.
- 7.3.3 Representations have been received that set out that the school is overcapacity and that the Council have not calculated the capacity of the school appropriately and that there are available spaces in other schools within the catchment area. There are concerns that increasing the school numbers would add pressure on the existing facilities and the welfare of the existing and proposed pupils. Pressure on school facilities is not a planning issue but is an operational matter for the school.
- 7.3.4 Providing classroom accommodation within the grounds of an existing school would be acceptable in principle, complying with the strategic objectives of policies SP1, SP2 and SP12 of the Adopted LDP 2011-2026, which seek to provide sustainable development and enhance existing school facilities subject to the proposal satisfying a number of general planning policies and material considerations.

7.4 Visual Impact

- 7.4.1 The proposed building is a simple rectangular shape and utilitarian design and appearance. It would be externally finished in low-key materials and colours, namely Moorland green walls, grey doors and white window, guttering and downpipes. It would have a flat roof, thereby reducing its overall scale and massing.
- 7.4.2 The site itself is enclosed. The building would be set within extensive grounds and seen in the context of existing school buildings which are greater in scale and height. From outside the school grounds distant and partial views may be possible from The Griffin and from private properties (situated on The Griffin) but the proposed classrooms would not be considered prominent.
- 7.4.3 Having regard to the proposed development and the site context, it is considered that the proposed development has an acceptable scale and design for temporary school structures and the siting is within the school grounds where there would be no significant effect on the visual amenities of the area, thereby satisfying Policy GP6 of the Adopted LDP 2011-2026.

7.5 Highways

- 7.5.1 With respect to parking and highway safety, the proposal will result in the net loss of 11 parking spaces to the south west of the site and as a result of the extra classes, it is anticipated that there would be an increase of 3 full time staff. (97 in total)
- 7.5.2 The parking provision has been reduced from 144 spaces to 133, a net loss of 11 spaces. However, there is space within the school grounds for temporary parking on the adjoining grass verge, which could be used to compensate for loss of parking from the siting of the demountable classroom over the temporary 2 year period. An indicative plan of the existing hardstanding area was submitted (extract below) with dimensions of approximately 20 by 20m. The area would be sufficient to accommodate any overflow car parking lost to the development and a condition can be included for details of the parking area to be laid out prior to the beneficial use of the building.



7.5.3 The Council's Highways Authority have not objected to the scheme. The Highways Officer has indicated that although there is an increase in vehicle and pedestrian traffic at the start and the end of the school days, the additional pupil and staff numbers is not expected to have a severe impact on the highway network. The construction phase impact on the local highway is also expected to be minimal, with work to take place during a school holiday.

7.5.4 Accordingly, subject to conditions on the overspill parking area, it is considered that the proposed demountable classroom is acceptable in respect of parking and highway safety, complying with policies GP4 of the Adopted LDP 2011-2026.

7.6 Residential Amenity

7.6.1 The nearest residential property is sited approximately 70 metres from the proposed building along The Griffin. Having regard to the scale of the building and its distance from the nearest neighbour, it is considered that it would not have an unacceptable impact on the amenity of neighbouring occupiers in terms of loss of light or overbearing impact.

7.6.2 Whilst the proposed building would increase the intensity of use at the school but not to such an extent that the increased levels of noise generated, particularly at break times and at pick-up and drop-off, would result in a notable increase in noise and disturbance from the existing situation.

7.6.3 The overflow car parking area is also located closer to the nearest neighbours. Although it is recognised that the car parking being nearer to the resident at the Griffin could give rise to some increased noise and disturbance, the parking would be sufficiently separated from the garden with heavy vegetation along the boundary. In addition, its use would coincide with school drop off, pick up times and would not result in any sustained noise and disturbance that would be harmful to their amenity.

7.6.3 Although it is appreciated that residents at Court Crescent and other areas may have experienced problems with noise from the school during break and pick up and drop off periods, the impacts of the noises and disturbances are for limited period and isolated incidents of noise or disturbance should be dealt with under separate controls. The Council's Public Protection Manager was consulted and raised no objection to the proposal despite the concerns raised.

7.6.4 Accordingly, it is considered that the the proposal would not be harmful to neighbouring amenity and satisfies Policies SP2 and GP7 of the Adopted LDP 2011-2026.

7.7 Air Quality

- 7.7.1 Caerphilly Road has an Air Quality Management Area (AQMA) approximately 200 metres north of the proposed classrooms. However the site is not within an AQMA buffer zone and the proposal itself is also for a minor development that would result in demountable classrooms on an existing school site.
- 7.7.2 As the development is on an existing school site and would not result in a significant rise in traffic movements to and from the site over and above the existing situation, the proposal would have no notable impact upon the existing air quality management area. The development would not result in a new sensitive receptor to the area and by providing increased accommodation within an existing school site, the proposal is considered to be a sustainable form of development. For instance, undoubtedly some new pupils will be driven to school, however a good proportion of the new pupils being accommodated will walk, cycle, use public transport or a school bus to access school. It is, therefore, considered that new pupils are not overly reliant on the car and that alternative modes of transport would be available and genuinely realistic options in this instance.
- 7.7.3 Accordingly, it is considered that the proposed development would not be impacted by the air quality issues in the locality and the development would not have an unacceptable impact upon the air quality within the locality. The Public Protection Manager has not raised an objection with regards to air quality.

7.8 Drainage

- 7.9.1 The demountable building and associated works would be sited on an existing impermeable hard standing/car park, with the remaining on an existing grassed area. The applicant has indicated that foul and surface water from the development would be discharged to the existing system, which is a foul connection to the mains but the surface water would be discharged via a stream that runs through the land.
- 7.9.3 As such, the proposed means of drainage would appear to be acceptable subject to the applicant gaining necessary consent to connect the foul to the mains and discharge the surface water to the stream. Due to the size of the modular buildings, the surface water drainage of the site would also appear to be caught by SAB approval and the principles which underpin the design of surface water management schemes. This would be formally agreed by the Council's drainage section under separate powers.
- 7.9.3 Accordingly, it is considered that the proposal has an acceptable drainage scheme, satisfying the requirements of Policies SP4 and GP3.

8. **OTHER CONSIDERATIONS**

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

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

8.2 ***Equality Act 2010***

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

8.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and

- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

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

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

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

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

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

9. CONCLUSION

9.1 Having regard to policies SP1, SP2, SP12, GP1, GP2, GP4 GP5, GP6, GP7 and T7 of the Newport Local Development Plan 2011-2026 (Adopted January 2015), it is considered that the proposed classroom and associated works would be acceptable in terms of its size, design and impact on the character of the local area. There is not considered to be a significant impact on neighbours amenity or highway and pedestrian safety. As such, it is recommended that planning permission is granted with conditions.

10. RECOMMENDATION

Granted with Conditions

1. The demountable classrooms hereby permitted shall be for a limited period being the period of 2 years from the date of this decision. At the end of this period the demountable classrooms as well as associated paraphernalia brought on to the land in connection with the development shall be removed, and the land restored to its former condition.
Reason: The temporary building is acceptable in view of the circumstances of the applicant until a suitable alternative site is identified and in the interests of the visual amenities of the site.
2. The development shall be implemented in accordance with the following plans and documents Design and Access Statement, Proposed Site Plan- drawing ref NPS-DR-A(**) 003 P2, Proposed Elevations- drawing ref NPS-DR-A(**) 040 P2, Proposed Floorplans- drawing ref NPS-DR-A(**) 020 P2, Site Location Plan drawing ref NPS-DR-A(**) 001 P1
Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.
3. The building hereby approved shall not be occupied until the new parking area shall have been provided in accordance with full details which shall have previously been submitted and agreed in writing by the Local Planning Authority. The parking area shall be retained for use during the use of the building hereby approved.
Reason: To ensure the efficient functioning of the site and to avoid the need for vehicles to be parked on the highway.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP12, GP1, GP2, GP4 GP5, GP6, GP7 and T7 were relevant to the determination of this application.

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

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

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

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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