

Agenda



Planning Committee

Date: Wednesday, 3 February 2021

Time: 10.00 am

Venue: Virtual Meeting

To: Councillors J Richards (Chair), J Guy (Deputy Chair), J Clarke, T Holyoake, G Berry, T Watkins, R White, J Jordan, C Townsend, C Ferris and W Routley

Item	Wards Affected
1. <u>Apologies for Absence</u>	
2. <u>Declarations of Interest</u>	
3. <u>Minutes of the meeting held on 6 January 2021</u> (Pages 3 - 8)	
4. <u>Development Management: Planning Application Schedule</u> (Pages 9 - 158)	
5. <u>Appeal Decisions</u> (Pages 159 - 166)	
6. <u>Live event</u> To view the live event please click here	

Contact: Neil Barnett, Governance Officer
Tel: 01633 656656
E-mail: democratic.services@newport.gov.uk
Date of Issue: Wednesday, 27 January 2021

This page is intentionally left blank

Minutes



Planning Committee

Date: 6 January 2021

Time: 10.00 am

Present: Councillors J Richards (Chair), J Guy (Deputy Chair), J Clarke, T Holyoake, G Berry, T Watkins, R White, C Townsend and C Ferris

In attendance: Councillors Gail Giles, Jason Hughes and Joan Watkins, Tracey Brooks (Head of Regeneration, Investment and Housing), Matthew Sharp (Acting Development Services Manager), Joanne Evans (Senior Solicitor), Joanne Davidson (East Area Development Manager), Stephen Williams (West Area Development Manager), Vicky Quinn (Senior Planning Officer), Grant Hawkins (Senior Planning Officer), Joanne Gossage (Service Manager Environment and Leisure), Steve Manning (Senior Scientific Officer), Michelle Aspey (Housing Manager Strategy), Alun Lowe (Planning Contributions Manager), Richard Sexty (Education Transformation Officer), Rhys Thomas (Regulatory Services Manager), Joanne Turner (Team Manager - Assets and Planning), Anna Griffiths (Senior Traffic Transport and Development Officer), and Neil Barnett (Governance Officer) In Attendance:

Apologies: Councillors V Dudley and J Jordan

1. **Declarations of Interest**

None

2. **Minutes of the meeting held on 2 December 2020**

The minutes of the meeting held on 2 December 2020 were submitted.

Resolved

That the minutes of the meeting held on 2 December 2020 be taken as read and confirmed, with the following amendments:

A statement was read out from Ward Member, Councillor Miqdad Al-Nuaimi for application 20/0734.

A statement was read out from resident, Councillor Deborah Davies for application 20/0739.

3. **Development Management: Planning Application Schedule**

(1) That decisions be recorded as shown on the Planning Applications Schedule attached as an Appendix A

(2) That the Development Services Manager be authorised to draft any amendments to/additional conditions or reasons for refusal in respect of the Planning Applications

Schedule, attached.

4. **Appeal Decisions**

Members' attention was drawn to the appeals report, for information.

The meeting terminated at 14:20

Appendix A
 PLANNING COMMITTEE – 06 01 2021
 DECISION SCHEDULE

No	Site/Proposal	Ward	Additional Comments	Decision
<p style="text-align: center;">Page 5</p>	<p>19/1212 Site: Former University of Wales College Caerleon</p> <p>Proposal: Partial demolition, refurbishment and conversion of main building to 44 flats, conversion of TJ Webly building to 2no. dwellings, conversion of Ty Hywel building to 2no. residential units (1 flat and 1 house), conversion of Felthorpe to 1no. dwelling, demolition of other existing buildings and construction of 170 no. dwellings, open space, landscaping, engineering and infrastructure works to include retention of listed gate piers</p> <p>Recommendation: Granted with conditions and subject to a section 106 legal agreement</p>	<p>Caerleon</p>	<p>Committee item as this is a major planning application</p> <p>Mr Chris Thomas – Resident, had a statement read out by the Chair to speak against the proposal.</p> <p>Mrs Jane Carpenter – Agent, spoke in support of the application.</p> <p>Cllr Jason Hughes – Ward Member, spoke against the application.</p> <p>Cllr Joan Watkins – Ward Member, spoke against the application.</p> <p>Cllr Gail Giles – Ward Member, spoke against the application.</p>	<p>Granted with conditions and subject to a section 106 legal agreement</p>
<p>20/0686</p>	<p>Site: Land West Of Tredegar Camp, Bassaleg Road, Newport</p> <p>Proposal: 93 Western Avenue to 26 Wells Close shared use travel route (3m wide) from Bassaleg Road through Gaer Park ending at Wells Close following existing unmade footpath new crossing points at Western Avenue and on Bassaleg Road</p> <p>Recommendation: Seeking delegated powers to grant with conditions subject to no adverse representations being received</p>	<p>Gaer</p>	<p>This item is being presented to Committee as its on Council land</p>	<p>Granted delegated powers for the Head of Service to approve the application in the event that Natural Resources Wales confirms that the appropriate assessment is acceptable subject to conditions</p>

20/0705	<p>Site: Lyndon Bassett Funeral Directors, Park View, Bassaleg, Newport</p> <p>Proposal: Demolition of former mortuary and change of use from mortuary to additional vehicle parking for ancillary use by the existing ambulance station</p> <p>Recommendation: Granted with conditions</p>	Graig	Presented to Committee as is major development	Granted with conditions
20/1032	<p>Site: Site Of Former Seven Stiles Public House And Ladyhill Daycare Centre Aberthaw Road</p> <p>Proposal: Redevelopment of the site to provide 39no. dwellings and associated access, infrastructure, parking & landscaping</p> <p>Recommendation: Granted with conditions and subject to section 106 legal agreement</p>	Alway	Presented to Committee as is major development	Granted with conditions and subject to section 106 legal agreement
20/1032	<p>Site: Station Buildings, Ground and First Floors Information Station, Queensway, Newport</p> <p>Proposal: Change of use of ground and first floor of information station building to co-working office/creative space</p> <p>Recommendation: Granted with conditions</p>	Stow Hill	This item is being presented to Committee as it is a Council application.	Granted with conditions
20/1091	<p>Site: 68 Clevedon Road</p> <p>Proposal: Proposed single storey rear extension</p> <p>Recommendation: Granted with conditions</p>	Beechwood	Presented to Committee as owners of property work in the RIH Service area	Granted with conditions

20/1096	<p>Site: 95 Trinity View</p> <p>Proposal: Proposed single storey side extension with roof terrace and addition of first floor access door</p> <p>Recommendation: Granted with conditions</p>	Caerleon	Presented to Committee as owners of property work in the RIH Service area	Granted with conditions
20/0446	<p>Site: 20a East Usk Road</p> <p>Proposal: Construction of a 2no. bedroom house and associated works (development pursuant to permission 14/0997)</p> <p>Recommendation: Refused</p>	St Julians	Presented to Committee as requested by Councillor Hourahine.	Deferred at the request of the applicant in order to allow them to address flooding issues.

This page is intentionally left blank

Report

Planning Committee – Virtual Meeting

Part 1

Date: 3rd February 2021

Subject **Planning Application Schedule**

Purpose To take decisions on items presented on the attached schedule

Author Acting Head of Regeneration, Investment and Housing

Ward As indicated on the schedule

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

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

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

Proposal **1. To resolve decisions as shown on the attached schedule.**
2. To authorise the Development and Regeneration Manager to draft any amendments to, additional conditions or reasons for refusal in respect of the Planning Applications Schedule attached

Action by Planning Committee

Timetable Immediate

This report was prepared after consultation with:

- Local Residents
- Members
- Statutory Consultees

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

Background

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

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

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

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

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

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

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

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

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

Where applicable as planning considerations, specific issues relating to sustainability and environmental issues, 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 by Planning Committee: decisions being overturned at appeal; appeals being lodged for failing to determine applications within the statutory time period; and judicial review.

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

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

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

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

Risk	Impact of risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect?	Who is responsible for dealing with the risk?
Decisions challenged at appeal and costs awarded against the Council.	M	L	Ensure reasons for refusal can be defended at appeal.	Planning Committee
			Ensure planning conditions imposed meet the tests set out in Circular 016/2014.	Planning Committee
			Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.	Development and Regeneration Manager and Senior Legal Officer
			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.	Planning Committee Development and Regeneration Manager
Judicial review successful with costs awarded against the Council	H	L	Ensure sound and rational decisions are made.	Planning Committee 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 the Council's Well-being Statement and well-being objectives, which contribute to the achievement of the national well-being goals. The Corporate Plan also links to other strategies and plans, the main ones being:

- Improvement Plan 2016-2018;
- 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

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

Preferred Option and Why

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

Comments of Chief Financial Officer

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

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

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

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

Comments of Monitoring Officer

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

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 Cabinet Member

The Cabinet Member for Regeneration and Housing has been made aware of the 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 by the Planning Committee balances 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 is 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 Council's well-being objectives published in March 2017. Specifically, Objective 9 (Health and Well Being) of the adopted Newport Local Development Plan (2011-2026) links to this duty with its requirement to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

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)
Sustainable Travel (adopted July 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 Growth Strategy (and associated Economic Growth Strategy Recovery Addendum) 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: 20/0748 **Ward:** Lliswerry

Type: Full+Env Statement

Expiry Date: 19th February 2021

Applicant: C Donovan

Site: *Uskmouth Power Station West Nash Road Nash Newport South Wales*

Proposal: ***ERECTION OF SILOS AND DE-DUSTING BUILDING, EXTENSION TO RAIL UNLOADING FACILITY, NEW ABOVE GROUND CONVEYORS AND ANCILLARY DEVELOPMENT***

Recommendation: **GRANTED WITH CONDITIONS WITH DELEGATED AUTHORITY GRANTED TO HEAD OF REGENERATION INVESTMENT AND HOUSING TO ISSUE A DECISION ONCE NRW AGREE APPROPRIATE ASSESSMENT**

1. INTRODUCTION

- 1.1 This application has been submitted in full and is accompanied by an Environmental Statement. The application seeks planning permission for additional industrial development at this established power station site. The development will facilitate the return of the plant to service (it is currently dormant) and extend its operating life by approximately 20 years and ensure the employment of retained staff with critical skills in the energy production industry and the creation of approximately 15 additional on site jobs during the operational period.
- 1.2 The plant has previously produced thermal energy from the combustion of coal, thereby generating electricity. The planned conversion of the plant will remove the need for coal and instead combust waste derived fuel pellets with the capacity to produce 220MW baseload electricity to the distribution network and potentially the ability to set up advantageous and reliable supply chains at competitive costs to existing and new large scale industrial users within the Newport area. Two of the existing 3 combustion units are to be returned to use so the MW energy generation potential will be less than the previous coal fired operation when operating on 3 combustion units (with an energy MW potential close to 400MW).
- 1.3 Planning permission is **NOT** sought for the conversion itself as a change in the fuel source from coal to waste derived pellets does not require planning permission and there is no change of use of the existing power station as its primary purpose would be thermal combustion to generate electricity. This is an important point as the site will effectively incinerate waste (in a novel form) but such incineration for waste disposal purposes will not be the site's primary use and if it were (rather than generation of electricity) a change of use would occur for which planning permission would be required.
- 1.4 To facilitate the conversion proposed, operational development is required and forms the purpose of this application. This includes the following:
- 4no. fuel storage silos (34m radius and 48m maximum height) that will contain the pellets;
 - 2no. day silos (15m radius and 31m maximum height) that will contain the pellets during transfer from primary silos to the milling process within the main power station building;
 - 1no. fuel de-dusting building (20m wide by 20m long and 10m high) where excess dust generated by the fuel pellets as they are conveyed to storage will be collected for use in the combustion process to minimise wastage;
 - Upgrade of existing rail fuel unloading facilities (40m long by 15m wide and 8m high) that will add to existing rail unloading facilities as all fuel pellets will be delivered to site by rail and

bottom discharged from rail wagons into under track hopper conveyors that will transfer pellets to the primary storage silos via existing and new enclosed conveyors;

- Vessels and infrastructure for the delivery and storage of flue gas treatment reagents and transportation of residues (8.5m long by 5m wide and 33m high). This includes a new lime silo to be constructed adjacent to an existing lime silo.

1.5 Although other UK coal fired power stations have previously been converted to biomass, the Uskmouth project is a world first to convert a coal fired station to waste derived fuel pellets. It is these pellets, not the burning of waste to create electricity that is novel but in doing so it will facilitate the enhancement of energy security, energy recovery from waste and reduction of non recyclable waste to landfill, re use of previously developed land and the return to use of an existing large industrial site and associated employment and economic diversification.

1.6 The conversion of the power station and the change in the fuel type is a matter that will be regulated via Natural Resources Wales via its Environmental Permitting process. The site currently has a permit but this must be varied in order to allow the change of fuel. This permitting process will require NRW, as competent authority and the appropriate regulator in this regard, to assess such factors as emissions to air, accident and hazard control, and impact upon health and the natural environment arising from the conversion itself. NRW are best placed to determine such matters and the Council cannot seek to duplicate controls in this respect. That said, it is important for the Council, in its consideration of this application, to be reassured that this permit process is progressing in a positive way and in this respect NRW are a key technical consultee on this application. Officers have liaised with representatives at NRW to seek reassurance that the applicants are appropriately engaged in the permitting process and NRW have confidence that the proposals for this fuel conversion are progressing towards an outcome in the near future. The fuel conversion cannot lawfully proceed without the appropriate Environmental Permit.

1.7 A comprehensive set of detailed information has been provided with this application and a statutory pre application consultation exercise was completed by the applicants. As part of this, technical consultees, local ward councillors and neighbouring residents were consulted and information provided online and via a presentation to which nearest neighbours were invited. Several responses/questions were received at this time and answered by the applicants. A record of this exercise, questions and responses is provided with this application.

2. RELEVANT SITE HISTORY

06/0844

ERECTION OF NEW COMBINED GAS TURBINE POWER STATION – this was a consultation to the Authority by the former Department of Trade and Industry (i.e. the determining authority). This application was subsequently granted with conditions and subject to unilateral legal undertaking and the power station is now built.

08/1144

LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) FOR THE CONSTRUCTION OF A PEAKING PLANT AND AN ADVANCED CONVERSION TECHNOLOGY PLANT (ACT PLANT) AND ASSOCIATED BUILDINGS, HARD STANDINGS, PLANT AND STORAGE AREA TO GENERATE ELECTRICITY FOR THE NATIONAL GRID AT THE USKMOUTH POWER STATION SITE – Granted

18/1016

EIA SCREENING OPINION FOR PROPOSED DEVELOPMENT OF FUEL STORAGE SILOS, CONVEYOR SYSTEMS AND ACCESS TOGETHER WITH CONVERSION OF REPLACEMENT OF EQUIPMENT WITHIN EXISTING BUILDING ENVELOPES TO ENABLE COMBUSTION OR PELLETISED WASTE DERIVED FUEL AND OTHER BIOMASS FUEL AT USKMOUTH B POWER STATION – development is Schedule 2 EIA.

The key environmental issues identified were:

- The risk of a very significant increase in HGV movements along Corporation Road and along the Southern Distributor Road with particular concerns over the capacity of the Corporation Road / SDR junction to deal with the increased traffic volumes since it is already subject to significant levels of congestion especially at peak times.
- A concomitant risk to the amenity of residents adjacent to that junction via increased traffic volumes in regard to noise & vibration.
- A risk to air quality from increased numbers of queuing HGVs at the Corporation Road / SDR junction.

The screening opinion also noted:

Should significant amounts of the pelletised SRF and the removal of ash be via rail aping the existing situation relating to coal deliveries then the anticipated impacts outlined above may not accrue and the development may cease to be considered to be EIA development. This is because the chief concerns relate to the road movements associated with the delivery of fuel and the removal of ash.

19/1313

EIA SCOPING OPINION FOR CONVERSION OF ELECTRICITY GENERATING STATION TO COMBUST ALTERNATIVE FUEL AND ASSOCIATED DEVELOPMENT AT USK MOUTH POWER STATION, WEST NASH ROAD.

3. POLICY CONTEXT

3.1 LDP Designations and Site Characteristics

Site Designation:

- Archaeologically Sensitive Area - CE6
- Developed Coastal Zone – CE9
- Urban Boundary
- Flood Zone B / C1
- Parking Zone 6

Nearby Designations:

- Environmental Space - Church of St Mary, Nash (1.1km west)
- Special Landscape Area - The River Usk
- SINC –immediately adjacent
 - Julian's Gout Land (north east)
 - Gwent Wetland Reserve (south)
 - Alpha Steel Site (east)
- SSSI – immediately adjacent
 - RIVER USK (LOWER USK) (north)
 - NEWPORT WETLANDS (south)
 - SEVERN ESTUARY (west)
- RAMSAR and SPA – Severn Estuary
- Special Area of Conservation – RIVER USK / Severn Estuary
- Wales Coast Path - Adjacent to Nash Road and south of the site
- National Nature Reserve – NEWPORT WETLANDS (west and south)
- Landscape of Outstanding Historical Interest – Gwent Levels (east and west)
- Public Right of Way and Coastal Path - 401/12/1 (south)
- Accessible Natural Greenspace - Waterway (north)
- Accessible Natural Greenspace - Amenity (south)
- Historic Environment Record – Various within Uskmoth Power station

3.2

National Planning Policy

Planning Policy Wales (Edition 10, 2018)

National Planning policy is clear that a Globally Responsible Wales is promoted by reducing our carbon footprint through measures such as the promotion of renewable energy over carbon-emitting

sources. The benefits of renewable and low carbon energy, as part of the overall commitment to tackle climate change and increase energy security, is of paramount importance. The policy notes that the planning system should optimise energy storage and maximise renewable and low carbon energy generation.

Planning Policy Wales (PPW) sets out minimising the need to travel noted as one of the overarching sustainable place making outcomes. It notes that the provision of sustainable transport infrastructure is essential in order to build prosperity, tackle climate change, reduce airborne pollution and to improve the social, economic, environmental and cultural well-being of Wales. It reads that ‘the planning system should facilitate the delivery, decarbonisation and improvement of transport infrastructure in a way which reduces the need to travel, particularly by private vehicles, and facilities and increases the use of active and sustainable transport’. PPW includes the hierarchy for transport, with Public transport above private motor vehicles.

Section 5: Productive and Enterprising Places

“Embracing the challenge of decarbonising our energy and transport sectors including phasing out of fossil fuels and moving towards local, decentralised renewable energy systems, the increased use of energy storage to balance supply and demand and the challenge this creates on our distribution networks”

Freight

5.3.19 The efficient, reliable and sustainable movement of freight is important to the economy, the effective provision of services that rely on supplies, such as health, and to people’s everyday lives more generally. The Welsh Government’s aim is for there to be an increase in freight moved by rail and water, rather than by road.

5.3.20: The strategic significance of freight access should be taken into account by planning authorities. Planning authorities should promote sustainable freight transport options, including considering the potential for the carriage of freight by rail, water or pipeline rather than by road.

Energy

5.7.4: The Welsh Government is committed to delivering the outcomes set out in Energy Wales: A Low Carbon Transition. Our priorities are:

- reducing the amount of energy we use in Wales;
- reducing our reliance on energy generated from fossil fuels; and
- actively managing the transition to a low carbon economy.

5.7.5: These priorities contribute to reducing carbon emissions, as part of our approach to decarbonisation, whilst enhancing the economic, social, environmental and cultural well-being of the people and communities of Wales, in order to achieve a better quality of life for our own and future generations. This means taking precautionary action to prevent Wales being ‘locked in’ to further fossil fuel extraction and high carbon development. The planning system should facilitate delivery of both this and Welsh, UK and European targets on renewable energy.

5.7.7: The planning system should secure an appropriate mix of energy provision, which maximises benefits to our economy and communities whilst minimising potential environmental and social impacts. This forms part of the Welsh Government’s aim to secure the strongest economic development policies, to underpin growth and prosperity in Wales, recognising the importance of decarbonisation and the sustainable use of natural resources, both as an economic driver and a commitment to sustainable development. 5.7.8 The benefits of renewable and low carbon energy, as part of the overall commitment to tackle climate change and increase energy security, is of paramount importance. The continued extraction of fossil fuels will hinder progress towards achieving overall commitments to tackling climate change. The planning system should:

- integrate development with the provision of additional electricity grid network infrastructure;
- optimise energy storage;
- facilitate the integration of sustainable building design principles in new development;
- optimise the location of new developments to allow for efficient use of resources;
- maximise renewable and low carbon energy generation;
- maximise the use of local energy sources, such as district heating networks;
- minimise the carbon impact of other energy generation; and

- move away from the extraction of energy minerals, the burning of which is carbon intensive.

3.3

Technical advice notes

- Technical advice note (TAN) 11: noise
- Technical advice note (TAN) 15: development and flood risk
- Technical advice note (TAN) 18: transport
- Technical advice note (TAN) 23: economic development

3.4

Local Planning Policy Adopted Local Development Plan

The following LDP policies are considered to be relevant to the proposed development of this site:

- SP1 Sustainability
- SP2 Health
- SP3 Flood Risk
- SP4 Water Resources
- SP8 Special Landscape Areas
- SP9 Conservation of the Natural, Historic and Built Environment
- SP14- Transport Proposals
- SP18- Urban Regeneration
- GP1 General Development Principles – Climate Change
- GP2 General Development Principles – General Amenity
- GP3 General Development Principles – Service Infrastructure
- GP4 General Development Principles – Highways and Accessibility
- GP5 General Development Principles – Natural Environment
- GP6 General Development Principles – Quality of Design
- GP7 General Development Principles – Environmental Protection and Public Health
- CE2 Waterfront Development
- CE3 Environmental Spaces and Corridors
- CE6 Archaeology
- CE8 Locally Designated Nature Conservation and Geological Sites
- CE9 Coastal Zone
- CE10 Renewable Energy
- T1 Railways
- T2 Heavy Commercial Vehicle Movements
- T3 Road Hierarchy
- T4 Parking
- T7 Public Rights of Way and New Development
- T8 All Wales Coast Path
- W2 Waste Management Proposals
- W3 Provision for Waste Management Facilities in Development

Supplementary Planning Guidance (Adopted)

- Sustainable Travel SPG (July 2020)
- Archaeology and Archaeologically Sensitive Areas SPG (Aug 2015)
- Wildlife and Development SPG (Aug 2015)
- Parking Standards SPG (Aug 2015)
- Air Quality (SPG) (Feb 2018)

3.5 Welsh National Marine Plan:

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.
- Support the opportunity to sustainably develop marine renewable energy resources with the right development in the right place, helping to achieve the UK's energy security and carbon reduction objectives, whilst fully considering other's interests, and ecosystem resilience.
- 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.
- Recognise the significant value of coastal tourism and recreation to the Welsh economy and well-being and ensure such activity and potential for future growth are appropriately safeguarded.

4. CONSULTATIONS

4.1 NATURAL RESOURCES WALES:

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following conditions to the permission. Otherwise, we would object to this planning application.

Condition 1: Restrict timing of piling activities to protect notified features of the Severn Estuary Special Protection Area;

Condition 2: Secure implementation of mitigation measures in Breeding Bird Survey (prepared by RPS, 24 December 2019);

Conditions 3 – 6: To ensure an acceptable scheme to deal with land contamination is agreed with the planning authority;

Condition 7: Secure implementation of approved plans demonstrating the primary storage silos are above predicted flood levels;

Condition 8: Submission and approval of a Lighting Plan for Protected Species;

Condition 9: Written method statement to ensure the working methodology for water vole mitigation and enhancement strategy is agreed;

Condition identifying approved plans and documents on the decision notice: Inclusion of the following documents:

Document Ref. OXF11701 Ecology Response to NRW 201026_v0 "Supplementary Ecology Note – Uskmouth Power Station Conversion Project" by RPS (not dated);

Document Ref. BRM09193-2 "Uskmouth Power Station Conversion Project – Lighting Statement", dated 21 October 2020;

Drwg. BRM09193-RPS-xx-xx-DR-E-6301 Rev. P01 "Proposed Railway Lighting" by RPS, dated 17.18.20;

Document Ref. ECO01486 "Water Vole Mitigation and Enhancement Strategy (Version 1) – Uskmouth Power Station" by RPS, dated 22 December 2020

Statutory Designated Sites – Impacts of Aerial Emissions

Our previous response to you (CAS-129191-T4M0, 25/11/20) advised that NRW Permitting Service (PS) was not in a position to grant an environmental permit. At that time, NRW PS was seeking further information from the applicant on impacts of aerial emissions on ecological receptors.

The PS has received additional air quality information and assessment from the applicant which is set out in Simec Uskmouth Power's letter dated 18/12/2020. The NRW PS now have the necessary air quality information to proceed with the environmental permit's assessment of aerial emissions on ecological receptors, including statutory designated nature conservation sites.

Based on the latest information provided, NRW PS are satisfied that it can be concluded that the proposal with the planned controls, including Best Available Technique abatement of air pollutants, is not likely to have an adverse effect on the integrity of statutory designated sites. For all pollutants (other than nutrient nitrogen), either the PC is modelled to be less than 1% or the predicted environmental concentration (PEC) is less than 100% and therefore not in

breach the Environmental Standard (ES). In terms of nutrient nitrogen, for Internationally protected sites under the Bern Convention (Emerald Network SACs and SPAs), the PEC is below the ES and therefore considered unlikely to have an adverse effect on site integrity. However, for SSSIs the PC is modelled to be up to approximately 8% within a limited impact area, and over 1% for a significant area over three nearby SSSIs. The background level is already over the environmental standard (up to approximately 130%). On balance, it is our view that, given the additional process contributions from the proposal (stack emissions) would not be deemed a significant source of pollution in context to the already exceeding background, damage to the SSSIs features is unlikely.

NRW PS are also satisfied with the in-combination effects assessment and conclusion which is detailed in the Updated Habitats Air Quality Assessment, prepared by ITP Energised (version 2, dated 15/12/20). It is considered that there would not be an effect on the integrity of the International site features when the proposal is acting in combination with other relevant projects. Finally, the outstanding point regarding the use of appropriate Critical Loads has been satisfied by the applicant.

This information will also allow NRW PS to carry out a Habitats Regulation Assessment (HRA) prior to determining the environmental permit. However, a decision on the permit application is unlikely to be made before May 2021 due to the PS awaiting further information from the applicant regarding technical permitting matters (note, we consider this information is not relevant to the planning application determination).

Therefore, you may not have sight of the permitting HRA to inform your decision, if you intend to determine the planning application prior to its completion.

In summary, we advise that the latest air quality information has satisfied 'Requirement 1' and addresses our previous concerns. We consider you have sufficient information to carry out an assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (for European sites) and assess likely effects on the Gwent Levels SSSI.

Should you conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your Appropriate Assessment. In terms of progressing to Appropriate Assessment, you should be mindful of the 2018 EU Court of Justice 'People over wind' ruling.

Protected Species

The following additional information has been submitted in support of the application:
Drwg. BRM09193-RPS-xx-xx-DR-E-6301 Rev. P01 "Proposed Railway Lighting" by RPS, dated 17.18.20 [sic]

Document Ref. ECO01486 "Water Vole Mitigation and Enhancement Strategy (Version 1) – Uskmouth Power Station" by RPS, dated 22 December 2020

Letter ref. JPW1248 "Planning application reference: 20/0748 | Erection of silos and de-dusting building, extension to rail unloading facility, new above ground conveyors and ancillary development" by RPS, dated 22 December 2020

Otters

Our previous advice (CAS-129191-T4M0, 25/11/20) under 'Requirement 2' requested further information. We asked for further clarification on the works relating to the reinstatement of the railway line and what potential there is for disturbance of natal/breeding holts, referencing the ES (paragraphs 7.164 & 7.237). These paragraphs state 'there may be ground disturbance associated with adjoining construction. The works required are yet to be defined in detail'. Information in the Supplementary Ecology Note (Ref. OXF11701 Ecology Response to NRW 201026_v0) reported potential for otter breeding activity in three of the surveyed areas, these being:

1. Julian's Pill/Julian's Reen – "very high potential as a location for a breeding holt and for daytime resting places"
2. Eastern Boundary Ditch – "It is possible that a breeding holt and/or daytime resting places could be present on the bank of the ditch or below the dense bramble thicket"
3. Laydown Area and Sewage Treatment Works – "It is possible that a breeding holt and/or daytime resting places could be present on the bank of the ditch below the dense bramble thicket"

All the above locations are close to the railway line and therefore if development (permitted under this application) is proposed there, this may pose a significant risk to otters. The letter hasn't clarified this but provided further information on the lighting levels.

Therefore, if your authority considers the application is seeking permission for 'development' at the railway line, please notify us. If the proposed works at the railway line do not fall under this application; or we have misunderstood the ES statements and there are no potential ground disturbances relating to the reinstatement of the lighting, we are satisfied Requirement 2 has been addressed. For completeness, the applicant should be aware of the following advisory:

Advice for Applicant

NRW advises that it is the applicant's responsibility to ensure that all potential impacts on protected species are identified and assessed; appropriate mitigation implemented as necessary; and that any appropriate licences (e.g. European Protected Species licence from Natural Resources Wales under Regulation 55 of The Conservation of Habitats and Species Regulations 2017) are secured prior to works commencing. Please note that the granting of planning permission does not negate the need to obtain a licence.

Condition: Water Voles

Water voles are nationally fully protected species, receiving legal protection under the Wildlife and Countryside Act 1981 (as amended). The submitted Water Vole Mitigation and Enhancement Strategy (dated 22 December 2020) satisfies 'Requirement 3' from our previous response.

However, we note that clauses 4.2.11, 4.2.12 and 4.2.13 of the strategy advise that on-site working methodology is to be agreed at a later stage. We therefore request that this information is secured through a pre-commencement planning condition. We suggest the following wording, however, please adapt as you see fit:

Condition: No development, including site clearance, shall be carried out until a written method statement for all works associated with the enhancement of the boundary ditch is submitted to and approved in writing with the local planning authority. The written method statement should build on the approved *Water Vole Mitigation and Enhancement Strategy (Version 1) – Uskmouth Power Station* by RPS, dated 22 December 2020 (document ref. ECO01486) and include, but not be limited to:

A copy of the toolbox talk and induction/training that will be provided to all site staff

A copy of the method statement for all works associated with the ditch enhancement, including precautionary working methods and mitigation and contingency measures to protect water voles and their habitat

The scheme shall subsequently be implemented as approved within the timescales agreed with the Local Planning Authority.

Justification: a written method statement should be submitted to ensure the working methodology is agreed prior to development.

Advice for applicant

We recommend that best practice for vegetation cutting and flail mowing in water vole habitat should not cut below a minimum of 300mm. Cutting/mowing shall be staggered or carried out in an asymmetric pattern across both sides of the channel wherever possible.

Protected Species Summary

We consider that there should not be a detriment to the maintenance of the favourable conservation status of the otter species present from works carried out under this application. We further consider that sufficient information has been provided in respect of water voles but advise that further information regarding the working details affecting this species are secured through condition.

Other Planning Conditions

Please refer to our previous letters for our request for planning conditions 1 – 8. We note in the applicant's letter (from RPS) on 18 December 2020 that they accept the conditions proposed by us.

Condition 1: Restrict timing of piling activities to protect notified features of the Severn Estuary Special Protection Area;

No piling shall be carried out between July and February (inclusive) to protect the notified bird features of the Severn Estuary Special Protection Area, unless otherwise agreed in writing with the local planning authority.

Justification: To avoid the potential for disturbance of notified features of the SPA where this cannot be controlled through another authorisation.

Condition 2: Secure implementation of mitigation measures in Breeding Bird Survey (prepared by RPS, 24 December 2019);

Secure implementation of the mitigation measures described in paragraphs 4.1.8 and 4.1.9 of the Breeding Bird Survey prior to the commencement of development.

Justification: To protect bird features of the Newport Wetlands SSSI/NNR.

Conditions 3–6: To ensure an acceptable scheme to deal with land contamination is agreed with the planning authority;

No development shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:

i.all previous uses

ii.potential contaminants associated with those uses

iii.a conceptual model of the site indicating sources, pathways and receptors

iv.potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Justification: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development, as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

Condition 4: Prior to the operation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Justification: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to operation, to minimise risk to both future users of the land, neighbouring land, as well as to controlled waters and ecological systems.

Condition 5: Prior to the operation of the development, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken
- Timescales for the long-term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required
- Timescales for submission of monitoring reports to the LPA e.g. annually

- Details of any necessary contingency and remedial actions and timescales for actions
 - Details confirming that the contingency and remedial actions have been carried out.
- The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Justification: A long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on controlled waters.

Condition 6: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

Condition 7: Secure implementation of approved plans demonstrating the primary storage silos are above predicted flood levels;

Additional Conditions

Condition 8: Submission and approval of a Lighting Plan for Protected Species; Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used, measures to restrict light spillage and where this will be deployed, including proposed timing of operation in and adjacent to key sensitive areas;
- Drawings setting out light spillage in key sensitive areas (E.g. Julians Pill, the ditches along the perimeter of the site, where otters may cross the railway line, River Usk);
- An Environmental Lighting Impact Assessment against conservation requirements for protected species;
- Details of lighting to be used both during construction and operation;

The lighting shall be installed and retained as approved during construction and operation.

Justification: A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of otter and bats, their commuting corridors and foraging habitats.

Condition identifying approved plans and documents on the decision notice: Inclusion of the following documents:

- Document Ref. OXF11701 Ecology Response to NRW 201026_v0 "Supplementary Ecology Note – Uskmouth Power Station Conversion Project" by RPS (not dated)
- Document Ref. BRM09193-2 "Uskmouth Power Station Conversion Project – Lighting Statement", dated 21 October 2020.

ROYAL SOCIETY FOR THE PROTECTION OF BIRDS:

4.2 The RSPB objects to this application on the grounds of a deficient Environmental Impact Assessment (EIA). We have a number of serious concerns relating to this application which have not been adequately addressed in the Environmental Statement (ES), regarding:

- potential impacts on nature conservation interests within and adjacent to the application site, which we consider have not been adequately addressed in the ES.
- potential air quality issues; negative impacts on the amenity value of the reserve; and road safety issues all of which are associated with a significant increase in projected heavy goods vehicle (HGV) figures during the operation of the power station.

Nature conservation interests

The ecological assessment is incomplete, and we support NRW's request for further information on air quality and protected species; and the need for conditions including restrictions on timing of piling activities to protect the notified features of the Severn Estuary SPA and SAC.

Air quality issues; negative impacts on the amenity value of the reserve; and road safety issues

The power station abuts Newport Wetlands National Nature Reserve; and the Severn Estuary SPA and SAC. Newport Wetlands is a partnership between Natural Resources Wales, Newport City Council and the RSPB, with the RSPB managing the Environmental Education and Visitor Centre. The proposal will significantly increase the numbers of vehicles, including HGVs, which travel along the road to and from the power station that borders Newport Wetlands Reserve. This route directly passes the access/egress point to the reserve carpark.

It is intended to deliver fuel pellets by rail with deliveries of bio-fuel, flue gas reagents and removal of ash to be undertaken by road with HGVs. Anticipated movements are depicted in Table 10.16 of the Environmental Statement (ES). In total the proposal will involve 60 HGV movements a day past the entrance to our site along West Nash Road, a rural lane with no footpath or protected cycle route, which given our National Nature Reserve provides a key access point to the Wales Coastal footpath, is wholly unacceptable in terms of daily number of movements.

Whilst we welcome the use of the existing rail infrastructure in the delivery of fuel pellets, we consider this does not present a sustainable transport solution owing to the disparity between movement of fuel pellets (delivered by rail) and waste products (removed by road).

A significant proportion of the HGV movements (88%) involve the removal of ash and limestone with 53 movements per day. The total number of HGV movements depicted in the table equates to 60 movements per day, which is a substantial increase in road usage with significant implications on air quality along the route, especially for pedestrians and cyclists. Furthermore, there will be an increase in car movements involving the power station workforce, with is estimated 28 car movements a day which need to be factored into the daily traffic flows. It should also be noted that in addition to the daily movements of traffic for the operational and commuting aspects of the development, there is a large number of HGV movements for the, albeit, limited construction phase.

This is in addition to the service vehicles that may be entering the site on a daily or weekly basis.

The regular passage of HGVs will compromise the Reserve's value for visitors and education through compromised access and the loss/lack of quiet enjoyment. Furthermore, we are concerned that the significant number of HGV trips associated with the operation of the development will conflict with the use of shared access route by visitors by foot, cycle or car to the reserve. This could have significant adverse implications road safety issues. Moreover, the development lacks any new pedestrian and/or cycle routes to address major conflict on the existing road network which is interlinked with the Wales Coastal Path and the National Cycle Route (4).

We recommend that conditions and/or legal obligations are applied to help reduce/manage the projected significant adverse traffic impact associated with the operation of the power station through making better use of the established rail network in the transportation of waste materials.

We are willing to meet the developer to discuss our concerns further and to seek a solution. We reserve the right to make further comments in future based in part on the additional information requested by NRW.

- 4.3 HEALTH AND SAFETY EXECUTIVE: does not advise against.
- 4.4 FIRE SERVICE: standard comments advising the developer ensures adequate water supplies on the site for firefighting purposes and adequate access for firefighting appliances.
- 4.5 WESTERN POWER DISTRIBUTION: standard advice and map identifying apparatus in the area.
- 4.6 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: the proposal will require mitigation. A condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work should be attached to any consent.
No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the Local Planning Authority. Thereafter the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.
Reason: to identify and record any feature of archaeological interest discovered during the works in order to mitigate the impact of the works on the archaeological resource.
Also recommend a note to applicant that says:

The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA) and it is recommended that it is carried out either by a CIfA Registered organisation or an accredited member.

- 4.7 NETWORK RAIL: no objection.
- 4.8 CADW: no objections as there will be no impact on any Scheduled Ancient Monuments or registered historic park or gardens.
- 4.9 PUBLIC HEALTH BOARD: no objection. The position statement from Public Health England (PHE) on incineration is that “while it is not possible to rule out adverse health effects from modern, well regulated municipal waste incinerators with complete certainty, any potential damage to the health of those living close by is likely to be very small, if detectable.” This view is based on detailed assessments of effects of air pollutants on health and on the fact that modern and well managed municipal waste incinerators make only a very small contribution to local concentrations of air pollutants.
- The project will retain the existing surface water drainage regime. The site is at risk of flooding. The LPA should consider controls to ensure that during any flooding event, loss of fuel and other material from site will not contribute to the severity of the incident.
- The acoustic assessment concludes that noise effect will be of negligible adverse significance. The LPA should consider if the assumptions made in the assessment are appropriate and consider planning conditions to ensure those noise levels are achieved by design or mitigation.
- Odour emissions are unlikely to adversely effect local receptors.
- With regard to air quality, the air dispersion modelling results from normal operations indicate that that adverse impacts on local air quality are unlikely. The LPA should be satisfied with the rationale used and consider the use of planning conditions to limit emissions to those cited.
- A human health risk assessment has been completed as part of the Environmental Permit application. This concludes that the impact of emissions on local sensitive receptors would not be significant.
- 4.10 WALES AND WEST UTILITIES: no apparatus in area. However, gas pipes owned by others and privately owned may be present.
- 4.11 WELSH WATER: no response.
- 4.12 GWENT WILDLIFE TRUST: no response.
- 4.13 WELSH GOVERNMENT PLANNING DIVISION: no response.
- 4.14 MONMOUTHSHIRE COUNTY COUNCIL: no response.

5. INTERNAL COUNCIL ADVICE

5.1 Planning Policy Manager:

Principle of Development

The site is located in the Settlement Boundary within the ward where the principle of development is supported in principle. PPW seeks to secure an appropriate mix of energy provision with an emphasis on renewable energy over carbon-emitting source, but also reducing our reliance on energy generated from fossil fuels. The proposal is to facilitate the change from Coal to waste derived fuel pellets as the primary fuel source. In this respect, whilst the principle of development may be acceptable, the environmental impacts including the site specific location, characteristics and qualities will influence the overall acceptability of the proposal.

Highways / Transport

The Environment Statement provides detail on how deliveries to the site will be made:

- fuel pellets delivered by rail – (coal was previously delivered by rail)
- operational consumables delivered by road;
- biomass delivered by road;
- waste ash transported off site by road.

Policy T1 supports proposal that:

- v) PROTECTING AND ENCOURAGING RAIL ACCESS TO INDUSTRIAL DEVELOPMENT, ESPECIALLY ON THE LINES TO NEWPORT DOCKS AND USKMOUTH;

PPW notes authorities should promote the potential for the carriage of freight by rail, water or pipeline rather than by road. The level of traffic generation and the impact of this on local roads and key

junctions will be a key consideration this application. Comments will be provided by highway authority however it is disappointing that the existing rail is not being utilised more.

Environmental Protection, Air Quality and Public Health

The proposed development has the potential to impact on noise, odour and water pollution. Both from the power station and increases in traffic volume and potentially creating new AQMAs. As a Major Application the Air Quality (SPG) (Feb 2018) sets out the requirements of an Air Quality Assessments. Comments will be provided by the Council's Environmental Health Section. Any required mitigation proposed to tackle such impacts must be agreed as part of the application process.

Landscape & Visual Impact

The River Usk and the wider Gwent Levels are a Special Landscape Area. The development site is outside these areas but capable of direct impact by inter-visibility. The existing plant and the neighbouring gas powered plant are both substantial structures. Detailed comments will also be provided by the Councils Landscape Officer.

Nature Conservation Issues

The site is located within a Site of Special Scientific Interest (SSSI) and has the potential to impact upon the River Usk Special Area of Conservation (SAC), Severn Estuary Special Protection Area (SPA) and Ramsar designations. Detailed comments will also be provided by the Councils Ecologist.

Flooding

The site lies primarily in Flood Zone C1 (defended flood plain) and a Flood Consequences Assessment (FCA) has been provided with 1:200 year scenario (tidal/coastal flood). Technical advice on the FCA will be provided by Natural Resources Wales. There does not appear to be consideration of the access and egress routes in the event of flood.

Heritage Impact (Archaeology & Historic Landscape)

The site is within an Archaeologically Sensitive Area and any works that go deeper than historic ground may impact on buried archaeology. formal comments on the impact of the development will be provided by GGAT.

Coastal Zone

The site is located within the developed coastal zone means and therefore the National Marine Plan for Wales should be screened to see if the application would need to have regard to it. It is considered that there is potential for the development to impact on water quality and ecological features related to the marine environment, however this may be screened out at the detailed application stage.

CONCLUSION

The proposed scheme will provide the opportunity to switch to non-fossil fuels based energy which is supported by PPW. Both Policy T1 and PPWs transport hierarchy encourage the use of rail over road and it is disappointing that this is not being utilised more.

Whilst the principle of development may be acceptable, the environmental impacts including the highways and transport considerations, site specific location, characteristics and qualities will influence the overall acceptability of the proposal.

5.2 PUBLIC PROTECTION MANAGER:

Air Quality:

Thank you for your recent consultation email concerning this application. I have reviewed the application in relation to air quality as requested.

This has included a review of the information submitted in the Environmental Statement in respect of air quality (Chapter 12) and additional technical information document.

It is understood the development will be regulated under the Environmental Permitting (England and Wales) Regulations 2016 and will require permitting by Natural Resources Wales (NRW). An air quality assessment is provided in support of the application and includes operational assessment of 'the residual emissions from the exhaust stack ('stack emissions') and their effects on human health and ecological receptors'. Modelling has been undertaken utilising ADMS Roads and has been carried out in line with relevant guidance and best practice. The stack height determination carried out indicates that the existing stack height of 122m is appropriate. The report concludes 'The results of dispersion modelling reported in this

assessment indicate that predicted contributions and resultant environmental concentrations of all pollutants considered would be of “negligible” significance’.

It is noted that the report (section 12.46 – operational stage) screens out operational traffic related emissions as HGV movements will be below the EPUK / IAQM threshold criteria requiring detailed assessment. This criteria is set at 100 AADT for HGV vehicle movements outside of an Air Quality Management Area (AQMA). The Environmental Statement – Non-Technical Summary provides a breakdown of anticipated HGV trips (table 2.23) indicating an average of 62 HGV vehicle movements per day (including incoming and out-going trips).

location of any AQMAs present (or other areas of poor air quality) within the Newport City Council area and therefore the screening rationale would appear appropriate in this respect.

The information provided indicates that the development will not have a significant impact on local air quality and that emissions will be well below relevant air quality objectives. The assessment has been carried out in line with current guidance and best practice. The operation will be regulated by the EA/NRW under the Environmental Permit as required by regulation and it is understood that monitoring will be carried out as part of the permit. No relevant issues have been identified from the available information.

Noise and Pollution

The application contains proposals for a detailed Construction and Environmental Management Plan to be submitted once a contractor has been appointed for the conversion and prior to commencement of construction. I would therefore recommend the following condition be attached to any permission granted;

Construction Environmental Management Plan

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

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

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

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

Note

I am in general agreement with the proposed approach to the CEMP, however, the applicant should note the following advisory which details standard hours of construction considered acceptable to Newport City Council. The proposed hours of construction detailed within the application differ.

Advisory - Construction Operating Hours

To protect the amenity of existing residents, the following recommendation with regards to construction times should be attached to any permission granted;

i) Construction Hours - Non-Piling

No development, (including land raising and demolition if required) shall be carried out other than between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays.

(ii) Construction Hours - Piling

Notwithstanding the requirements of part (i), no construction work involving piling shall be carried out on the site other than between the hours of 08.00 and 17.00 Mondays to Fridays and no construction work involving piling shall be carried out on Saturdays, Sundays or Bank Holidays.

(iii) Prior Approval - Out of Hours

Prior approval will be required for any construction to take place outside permitted times and on Sundays and Bank Holidays, where it would create noise audible at the boundary of any residential property.

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

Operational Noise

Noise impact on residential receptors arising from the operation of the facility is predicted to be low and therefore no particular mitigation measures are required, according to the assessment provided. Operational noise from the facility will be controlled via the Environmental Permit for the site, issued by National Resources Wales. Therefore I have no further comment to make in this respect, as to do so would duplicate these controls.

Noise from Construction Traffic

Predictions of construction traffic noise impact have been made and it is concluded that impact will be negligible (<3dB).

5.3 HEAD OF CITY SERVICES (HIGHWAYS):

First Response

The site is in an isolated location on West Nash Road, a country access route to which the national speed limit applies. The proposed development would be located entirely within the site of the existing Uskmouth B coal-fired power station, known as Uskmouth Power Station.

The application proposes to redevelop the site which covers a large area at the mouth of the River Usk. Access to the site by road will remain as existing and will therefore be acceptable. Rail access will be improved to accommodate the additional movements of materials with the existing rail unloading facility being improved.

The Pre-Application Consultation Report states that during operation, a maximum 30 HGVs into site and 30 HGVs leaving site with all fuel being delivered by rail as previously. The Design and Access Statement Table 2 shows an additional 59 HGV and 4 rail movements/day as shown below;

Table 2: Anticipated logistical movements

Product	Tonnes per annum @ 90% utilisation	Mode	Movements per day a
Fuel pellets	1,024,920	Rail	4
Biomass	10,249	HGV	3
Ash & Limestone	204,984	HGV	54
FGT reagents	3,352	HGV	2
Other	N/A	HGV	2

The Design and Access Statement (DAS) suggests that these proposals will not significantly alter movement to, from or within the development when compared with the existing consented use. The proposal therefore appears unlikely to give rise to capacity issues associated with the local highway network but a Transport Assessment in accordance with the Department for Transport 'Guidance on Transport Assessments' March 2007 will be required for the site. The Environmental Statement 10.1 comprises a Transport Assessment but this is insufficient to assess impacts on the highway network.

The Environmental Statement anticipates that the peak period for construction traffic would occur in months 9 and 10 of the 18-month construction programme and would require up to approximately 160 construction staff vehicles and up to 15 HGV deliveries, which equates to 30 movements per day which is less than the anticipated operational movements and is likely to be acceptable. A Construction Environmental Management Plan should be provided and this should be conditioned.

The DAS 3.13 states that the new operational organisation will have approximately 50 – 100 staff, with an anticipated minimum net increase of 15 staff.

8.25 states that there is existing parking on site associated with the offices and workshops and this parking area will be available to all staff on site as a result of the proposed development which is likely to be acceptable given the large area that the site covers, however, a Parking Plan detailing numbers of staff and car parking areas should be provided to assess the levels of parking provided and to give a baseline for any future proposals which should include facilities for disabled and cycle parking. A Travel Plan will be required.

I would therefore offer an objection to this application on highway grounds as there is a failure to provide suitable information to assess the application, however, I would be prepared to revise this decision if information addressing the above comments were submitted.

Additional comments received

The applicant has submitted a covering letter and SUP Drawing 001 Parking Facilities which is an aerial photograph showing 147 formal parking spaces and 170 informal spaces which demonstrates the availability and location of parking on the site. However, this drawing is not to scale and I am therefore unable to ascertain whether the number of spaces stated along with associated manoeuvring areas for vehicles to access the spaces may be achieved.

A scaled Parking Layout Plan and details of levels of staff attending each area of the site will be required to carry out a parking assessment.

The Transport Assessment demonstrates that the proposal will not give rise to capacity issues associated with the local highway network and will be acceptable however a Travel Plan, Parking Layout Plan relating to staffing levels and a CEMP are still required.

5.4 HEAD OF CITY SERVICES (LANDSCAPE OFFICER):

The proposal introduces four tall (up to 48 m high) primary storage silo units and a number of auxiliary lower structures as specified in Figure 1.

Figure 1. A summary of proposed buildings and structures

Building	Approx. Dimensions	Approx. Height above ground level (AGL)
Day Silos (x2)	15 m radius	24 (31 m including head house)
De-dusting Building	20 m x 20 m	10 m
Lime Silo (external cladding extension)	8.5 m x 5 m	23 m
Primary Storage Silos (x4)	34 m radius	42 m (48 m including head house)
Rail Unloading Facility Extension	40 m x 15 m	8 m

Provided LVIA comprehensively examines landscape and visual effects from 13 previously agreed key vantage points and a number of selected receptors. Findings are presented in a clear and very professional way; however, some points need to be clarified:

1. For some of the receptors the development will result in a moderate adverse or even major effect. It is understood that due to the scale of the development (48 m high units) it is very difficult to rely on visual mitigation measures such as screening by vegetation, therefore a more comprehensive explanation and examination of design mitigation measures aimed to reduce the visual impact of the development was expected (paragraph 8.205 of the EIA).

Can the following points be clarified:

- Can the ground floor level in AOD level system for Primary Storage Units be specified for the current version of the design?
- Can the part of the primary storage units be installed below existing ground level?
- Can the required volume of pellets be spread over the greater number of smaller (lower) units? It requires clarification, but the design explained as part of DAS shows primary storage units organised in a group of 12.
- Can the units have a greater diameter but be lower, so the same storage volume is provided with the reduced visual impact.

2. The basic check has been performed as the size of the proposed silo units (Figure 8.6b) appeared disproportionately small compared to the height of the chimney.

LIDAR Digital Surface Models (DSM) scans at 1 m resolutions and functionality of AutoCAD Civil 3D have been used to model the existing surface and proposed silo units. A 50 mm camera was placed at coordinates specified for Viewpoint 7. The following image has been generated:

Figure 3. Image generated for viewpoint 7

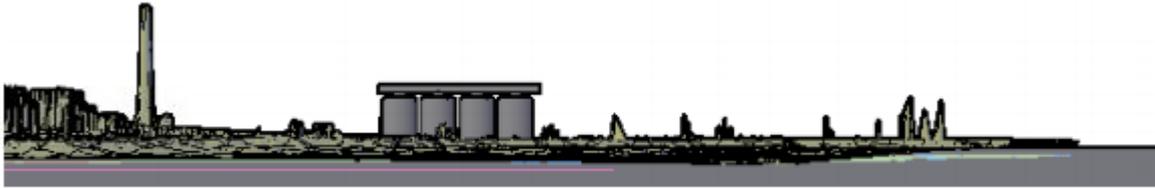


Figure 3. Image generated for viewpoint 7

The generated image has been superimposed on top of photomontage image (Figure 8.6b) provided as part of the submission. The chimney has been used as a reference point. Some discrepancies have been observed. Thus, provided scale of the proposed units appears roughly 15 % smaller and lower compared to the LIDAR model. An explanation of the methodology for the generating photomontages is required.

Figure 4. Superimposed photomontage for viewpoint 7 and LIDAR DSM. Purple lines show the silhouette of the silo units provided as part of the Figure 8.6b. Red structure in the background shows the proposed units generated with the use of LIDAR data. Ground floor level for primary storage units is considered as 12.5 m AOD.



Figure 4. Superimposed photomontage for viewpoint 7 and LIDAR DSM. Purple lines show the silhouette of the silo units provided as part of the Figure 8.6b. Red structure in the background shows the proposed units generated with the use of LIDAR data. Ground floor level for primary storage units is considered as 12.5 m AOD.

3. The table 8.19 provided as part of the EIA specifies the significance of the effect for the Western area of Newport Gwent Levels RSPB Reserve as Major (significant) in Year 1 and Moderate in Year 15 with mitigation measures (See Figure 5). The scope of proposed mitigation measures is not clear. The measures provided as part of the Biodiversity enhancement plan do not contribute to the screening of the proposed development from the Western part of Newport Wetlands.

Without appropriate mitigation measures, the adverse effect of the proposal on Western Part of the Newport wetlands is likely to remain Major.

A photomontage in Year 1 and 15 for viewpoint 4, which clearly demonstrates the effect from proposed mitigation measures, is required. These measures should be included in the landscape proposal.

An indicative landscape scheme (Biodiversity Enhancements plan) provided as part of the submission appears different compared to the landscape approach explained as part of DAS. It is not clear how the landscape concept will help screen the development from the “west towards the development”.

The landscape plan aiming to achieve the mitigation measures considered as part of LVIA is required.

Updated Landscape Officer comments

The applicant has provided a constructive response to the previously raised landscape comments. Landscape comments are taken from the document called ‘Applicant response to some consultee comments dated 12.10.20’.

7.5 m AOD has been confirmed as a ground floor level (GFL) for the proposed structures for the LVIA purposes only. If the GFL of the proposed silos changes significantly the visibility of the units will change as well, as a result, a new LVIA study may be needed.

The applicant confirmed that, unfortunately, highly visible storage units couldn't be re-organised in a larger number of smaller units. As a result, it is unlikely that there are any opportunities to mitigate the moderate adverse or even major visual effects with the use of a landscape scheme.

From Table 8.19 it has been stated that for VP 4 representing Western areas of the Newport Gwent Levels RSPB Reserve the significance of the visual effect (year 1) will be Major (Significant), however after landscape mitigation measures the visual significance will be reduced to Moderate.

Additional information has been requested from the applicant to clarify the exact scope of visual mitigation measures and to provide a photomontage from viewpoint 4 in year 1 and year 15.

The following reply has been received:

"Please note it was not submitted in the 'time-critical' bundle on the 27th October as this is merely additional information to illustrate the conclusion within the ES (Table 8.19 – see extract below) that the significance of the effect from VP4 will reduce from 'Major' in Year 1 to 'Moderate' in Year 15 with mitigation in the form of the growth of the boundary vegetation."

The following photomontages have been provided (see Figure 2 and Figure 3):



Figure 2. Visual effect year 1



Figure 3. Visual effect year 15

Figure 2. Visual effect year 1 Figure 3. Visual effect year 15

As can be seen proposed visual mitigation measures delivered "in the form of the growth of the boundary vegetation" are likely to be located outside the application boundary within Newport Gwent Levels RSPB Reserve boundaries (Figure 3).

Conclusion.

Taking into consideration the height and the scale of the proposed development as well as predominantly ecologically orientated landscape proposal, it is unlikely that there are any onsite opportunities to mitigate the significance of the visual effect by year 15 for any of the specified viewpoints. In other words, the significance of the visual effect specified for year 1 in table 8.19 is likely to remain unchanged.

In particular, the significance of the effect for the Western area of Newport Gwent Levels RSPB Reserve is likely to remain Major (significant).

The off-site location of mitigation measures may help reduce the significance of the visual effects, however, it is understood that it is beyond the applicant's control.

If it is decided to accept the specified significance of visual effects, the following documents are recommended to be conditioned:

1. Soft landscape plan. The landscape plan should take into consideration the requirements of the SAB process as well as ecology.
2. 10 years Landscape and ecology management plan (LEMP).
3. Site level plan.

5.5 HEAD OF CITY SERVICES (ECOLOGY OFFICER): subject to lighting at the railway not forming part of this application, no objection.

5.6 HEAD OF CITY SERVICES (DRAINAGE MANAGER): no response.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties within 100m of the application site were consulted (1 neighbour – RSPB - as none others within 100m), a site notice displayed, and a press notice published in South Wales Argus. 1 objection received (in addition to RSPB response which is included under "Consultations" section of this report) raising the following issues:

I understand one of the key considerations of this type are need, where this power station has been closed down for years. So, how can a need be defined for something that has sat idle for years? Plus, on both sides of the Gwent Levels there is currently being developed extensive, large scale solar farms providing not only the energy needed for this area, but in a sustainable way.

Haven't we (as a nation) recently committed to not developing waterside locations after the recent flooding? How is this plan a viable, sustainable solution when water levels are rising, and this site is immediately on the banks of the river Usk?

Any perceived benefits from the conversion of the power station are likely to be negated by the wider costs and impacts. The report included within the application itself declares that at best the kgCO₂/kWh or kgCO₂/GJ (energy produced) will be the same as coal. From this you then need to build in the fossil fuel energy burnt getting the biomass and other raw materials to the site. Therefore, a large part of the energy produced will be used to power the trains delivering the biomass. Plus, the burning of diesel for the 122 HGV each-way movements daily for the raw materials and the energy. Plus, environmental impacts of the production of the biomass pellets themselves. The other factor to build in is this will be a conversion of the power station, as this will not be a purposely designed biomass power station. So, the outputs will be sub-optimal in terms of production and environmental protection. So, the energy produced could be less than coal and have bigger environmental impacts. This is all assuming their Plan A is even financially viable. Throughout the report they request to "retain flexibility", giving them an open door to choose any biomass material and transport plan that suits.

The requested flexibility within this application means that the biomass pellets could include any of these elements:

- Industrial waste - danger
- Food waste – danger, as we have seen from COVID-19 coming from livestock / food
- Agricultural waste - danger
- Energy crops – impact to food production
- Virgin lumbar – burning wood is worse than fossil fuels!

In fact, they wish to "retain flexibility", so it could even be wider than this. So, how can they be correctly declaring any energy production figures or environmental impacts? Everything is quoted on being a 50% wood / 50% plastic waste basis, which is bad enough, but could very easily change within this application.

Is the plan they are describing likely to happen? Haven't we seen rail project costs more than double and still not been delivered for the national rail network? So, how will SIMEC afford and secure the re-development of the rail network into the power station? What are the impacts of this?

Even in best case, this application is proposing burning 50% plastic. Burning plastic produces: Dioxins; Furans; Mercury and BCPs (polychlorinated biphenyls). All of these pose severe threats to vegetation, human and animal life.

Which considering that the local area is a farming area producing both crops and livestock, with a water treatment plant very close...this application would not just be poisoning the local environment but everyone one / thing supplied from this area. The UN environmental report states that burning plastics causes:

- Heart disease
- Aggravation of respiratory ailments like asthma and emphysema
- Damage to the nervous system
- Rashes
- Nausea
- Headaches

And that it just what is known from very early research. Only time will tell the full impact, by which time it will be too late. Have we not seen enough risk to life recently? Do we understand the size of the risk – as could there be greater respiratory impacts as a result of COVID-19 that increase the UK disability ratio and thus means this would impact even more than we suspect?

Therefore, the negative impacts to the local community, Site of Special Scientific Interest (SSSI) / Gwent Levels, and RSPB bird sanctuary from this application are just too big:

- Damage to local infrastructure – Our roads are country lanes bordered by reens (drainage ditches) on both sides. Therefore, they do not offer a robust road solution and are already showing degradation into the reens with just village traffic. Plus, they are narrow lanes which in many parts do not have central road markings as highways state they are not big enough for each way traffic. They are not suitable for HGV vehicles.
- Danger to local community's life and health
 - o Toxic fumes and emissions, not only killing or disabling the local community, but the fine particulate matter being particularly dangerous in environments with high concentrations of coal / oil heating.
 - o Storage of biomass pellets in large quantities produces dangerous amounts of Carbon Monoxide. Carbon Monoxide - The Silent Killer.
 - o Poisoning the wider community through food production under such pollutants.
 - o Increased road danger on narrow country lanes.
- Conflicting (and defeating the object of):

- o RSPB bird sanctuary – killing them if not repelled by the toxic smells
 - o The protection of the rare biodiversity of the Gwent Levels
 - o The health benefits of anyone using the Coastal path
 - o Planting of trees to help the environment – only to cut down more to create the pellets!
 - o Getting companies to reduce plastic production and use
 - o The protection of CADW’s locally protected buildings – listed buildings (16 in Nash & Goldcliffe)
- Is this solution even sustainable?

- Aren’t we trying to plant more trees to offset our existing environmental dangers? So, wouldn’t burning more potential ‘virgin lumbar’ defeat this?
- Are we not trying to get companies to stop producing using plastics? So, isn’t there a very limited shelf life for these pellets if targets are met?
- Can we afford and source the pellets if demand increases and supply drops?

6.2 COUNCILLORS RICHARDS, MORRIS, JEAUVONS AND CRITCHLEY: Councillor Jeavons has raised a number of questions regarding the development.

6.3 NASH COMMUNITY COUNCIL: no response.

7. ASSESSMENT

Primary and Secondary material considerations

7.1 The key issues in the planning assessment of the operational development proposed are considered to be as follows:

- Economic and energy production/security and associated wider environmental/climate effects having regard to national and local policy;
- Residential amenity effects and impact upon RSPB reserve associated with construction phase works, construction noise and vibration and both construction and operational phase traffic;
- Visual and landscape impact having regard to the need, scale and location of development;
- Ecological impact having regard to the site location close to various ecologically sensitive sites;

Based on the information provided, subsequent consultee responses and the avoidance of duplication of regulatory powers, the following matters are considered to be secondary issues for consideration by this Authority;

- Impact upon the archaeological and historic environment (no objection from GGAT or CADW);
- Drainage and Flood risk (no objection from NRW in relation to this matter).

Operational impacts arising from noise, vibration and air quality associated with the conversion project (excludes traffic impacts) are controlled by the Environmental Permitting regime regulated by NRW and not therefore matters for the planning authority.

Odour is unlikely to be a material factor in the proposals but in any case, odour is controlled by way of the Environmental Permitting regime regulated by NRW and not therefore a matter for the planning authority.

Background

7.2 The EIA screening and scoping opinions referred to in the site history section of this report related to a larger development proposal including, for example, an on site pellet production facility and a haul road/access via the site north of this one occupied by Liberty steel (i.e. off Corporation Road). The latter issue was a particular concern for planning officers as part of the screening process and a primary contributing factor in their opinion that the project was EIA development. However the current application omits the pellet production plant and the associated access road, a decision taken by the applicants pursuant to commercial, infrastructure and economic factors during the intervening period. Critically, all fuel pellets will now be transported to site by rail thereby negating the need for HGVs to bring pellets to site (or waste to make pellets on site as was proposed as part of the

development screened) via the local road network. This will be discussed further as part of officer consideration of operational transport effects. No screening opinion has been sought in relation to the proposal as submitted but the applicant has chosen to provide an Environmental Statement as part of this application in order to comprehensively address all material matters and therefore this application has been considered and publicised as EIA development.

- 7.3 The pellet production facility from which pellets will be transported to the site will be located outside the Authority's administrative area but the applicants advise it will be sourced in the UK (this is not a matter the LPA can control). Coal that previously served the site and both coal and biomass used in other power stations across the UK is sourced internationally. The pellets will consist of waste rejected from recycling facilities and rejected from traditional energy from waste plants and will therefore be non recyclable waste for which we currently have no useful purpose and thereby likely to end up in landfill or waste incineration. The station is expected to consume 900,000 tonnes of waste derived fuel pellets annually for the purpose of electricity production. We know the pellets will arrive at site by rail and will then be transported around the site by mechanical conveyors. Many of these already exist on site having previously been used to convey coal. It is expected that pellets will arrive on 4 train deliveries per day (each train carrying up to 1000 tonnes of fuel pellets). Road delivery of pellets will not ordinarily be required. However, this may prove necessary if major incidents occur on the rail network. However, historically rail deliveries of coal to the site have been very reliable with the applicant advising us of only 2 days unplanned rail network closure in the past 20 years. Furthermore, the primary storage silos will contain up to 7 to 10 days worth of fuel so unplanned network closure would only likely create a need for road deliveries as a last resort and due to prolonged or significant rail network problems. Planned closure of the rail network notified to the station by the rail network operators can allow for advance stockpiling of pellets to ensure continuous energy production at site. That said, the alteration of the means of transporting pellets to site, even for short duration, has the potential to give rise to significant increases in HGV traffic on the local road network that have not been considered in the ES. We are not able to quantify what this would mean in terms of road traffic numbers and any associated effects on amenity and air quality for example. Therefore it is entirely reasonable for conditional controls to be placed on any permission so that the applicant is obliged to notify and acquire agreement to additional road traffic not accounted for in the ES. This will be discussed further in this report.
- 7.4 Approximately 10,000 tonnes per annum of biomass fuel may be required to co fire along with the fuel pellets. This would be delivered by road. Lime, urea, gases, chemicals, general stores and gas/oil or diesel will also continue to be required on site and were always brought in by road. 52,000 tonnes per annum of lime is used as a flue gas treatment process and is removed from site as ash by road. 15% ash by mass of pellets is expected and is similar to the coal fired power station that also produced ash as a by product of energy production. Coal combustion produced approximately 80% fly ash and 20% bottom furnace ash. Pulverised fuel ash produced by the coal fired station has more recently been used to fill the basement void of a demolished section of the original power station and been retained on site to create a landscaped mound so we know that historically the site has produced significant quantities of ash from coal combustion. The applicants anticipate that approximately 154,000 tonnes per annum of ash will be removed from site by road along with 2,430 tonnes of urea and 920 tonnes of ammonium sulphate. Overall, 62 2 way (i.e incoming and outgoing) HGV movements are predicted per day to transport the necessary biomass, lime, and other products required to operate the station (excluding the pellets that will be transported by rail). The primary component of these movements are those transporting lime and ash. As the site will operate 24/7, HGV movements will occur every day although the applicant has confirmed these could be

limited to 0700 to 1900 hours every day. The Public Protection Manager considers that for amenity sake this should be restricted to 0800-1900 hours and would not compromise the full time electrical generation on site. This would need to be secured by condition.

Product	Tonnes per annum @ 90% utilisation	Mode	Movements per day
Fuel pellets	1,024,920	Rail	4
Biomass	10,249	HGV	3
Ash & Limestone	204,984	HGV	54
Flue-gas treatment reagents	3,352	HGV	2
Other	N/A	HGV	3

Note: Movements shown here include all logistics vehicle movements, both incoming and outgoing from the Uskmouth Power Station.

- 7.5 The applicants tell us in their Transport Assessment how these operational movements compare to what is known of HGV movements when the site was operating as a coal fired station and confirms less maximum daily HGV movements (-49) are expected with the proposed conversion compared to the operation of Uskmouth B as a coal fired plant:

Table 6.10: Comparison of Uskmouth Conversion and Previous Daily HGV Movements

HGV Movements	
	Max Daily HGV Movements
Uskmouth B (excluding reagents) (allowing for day-to-day variance)	120
SUP (allowing for day-to-day variance)	71
Net change	-49

- 7.6 This does not mean that the daily average of proposed HGVs is less than the previous use of the site, only that the maximum daily recorded HGV movements have, in the past, well exceeded those proposed now. They also tell us the removal of ash from site is a continual process throughout the day as the ash cannot be stored on site for prolonged periods and therefore a maximum of 6 HGV movements per hour are expected over the 0800-1900 hours operation period. Having regard to these figures which are useful in understanding how the plant and associated traffic has operated previously, there appears little likelihood at this stage that the plant will return to an all coal fired facility and the fallback issue is discussed further below. This is likely why the applicant's Transport Assessment has evaluated traffic impact based on 2019 traffic survey data when background traffic levels were low (and the site dormant) in its analysis of effects in its ES. It is also noted that the road HGV movements above are dominated by the transport of ash which is a by product of the combustion process whether it be coal, biomass or waste pellets and would appear an inevitable consequence of any material combustion at the power plant.
- 7.7 We mention the issue of fallback above as whilst key modelling and survey work has not used this as a baseline for assessment, it has been relevant to the validation of the application in that large scale energy production facilities are normally Developments of National Significance and not therefore within the decision making control of local authorities. The fallback is particularly relevant in determining whether or not the Authority can determine the application and consequently, in this case, officers have considered that the evidence provided to them in this regard is sufficient to confirm that it can.

- 7.8 The applicant seeks to establish a baseline (fallback) position by noting that the power station could still be used to generate power using 50% coal and 50% biomass as fuel. This is predicated on a capping of carbon emissions from such stations likely to bite from 2025 onwards that would limit the ability of the site to generate the required amount of energy from 100% coal. Any fallback position in relation to the generating potential of the existing plant must be robustly made out to be given any weight in a planning judgement. The Environmental Statement (ES) considers this point and confirms Counsel opinion has been taken in regard to it.
- 7.9 The current impact in relation to the movement of fuel, waste and sundries to site is nil since the plant is not operating but officers do not consider this as the fallback in this case as the applicants insist that having invested in the plant, there is no intention at all in letting it lie fallow and unused. This is logical. Moreover, the site only ceased operation in 2017 due to a technical fault and whilst it appears that a return to 100% coal combustion may be possible in theory, in practice it is unlikely as national Government restrictions on emissions aimed at the coal fired power station industry in particular coupled with the investment required to bring back into use the combustion apparatus to suit coal, would severely curtail it in terms of emission requirements from 2025. This would not therefore be a realistic fallback and could carry little to no weight. Hence the reference to a 50/50 split of coal and biomass. As whilst the government attempts to phase out coal by way of imposing emission targets that all fired coal plants cannot realistically meet, it also appears to acknowledge that co-firing with sustainable biomass fuel is a potential way forward in keeping existing coal fired stations open as they progress towards more sustainable fuel sources and electricity supplies remain secure. The national government's carbon reduction plans to 2050 are directly relevant to all power stations across the UK in terms of how they can and will realistically operate into the future with a move away from coal appearing to be an inevitable consequence of the goal of zero carbon emissions in the foreseeable future. The Welsh Government's targets for increasing renewable and low carbon energy generation must be given significant weight according to Planning Policy Wales.
- 7.10 Welsh Government has published its policy for the low carbon pathway towards becoming carbon neutral in 2030 and plans to transition the power sector to a predominantly low carbon sector. However, it also states that more carbon intensive power sources such as gas will have a significant part to play in the transition, and in mitigating the intermittency issues with renewables. Fossil fuels or conventional fuels are at the bottom of the energy hierarchy and it seems very unlikely that this will change. The transition of Uskmouth power station to a mixed biomass and coal station (the fallback) is clearly hypothetical and not preferable but is there a realistic prospect that it would happen? Based upon the application information, it is. It would still require significant investment to adapt existing combustion units and it would likely not be able to operate for several years from now because of adaptations that would need to be made. It is legally a credible prospect but economically a difficult one to assess in terms of whether or not it would be viable and therefore realistically likely to happen. However, we know other stations have converted to biomass and we know that for power stations to continue to operate, best available techniques for combustion must be adopted and emissions limits met (these will depend on fuel source). Therefore, if the applicants identify a 50/50 mix as a feasible alternative and there is no evidence to contradict this, officers consider it must be given weight.
- 7.11 Further clarification on the matter of fallback is set out in the applicant's Planning Statement (RPS):

The Applicant has taken legal advice on these matters, supported by Counsel's Opinion. The advice is that the proposed development is not a Development of National Significance (DNS) as it would not increase the installed generating capacity of the power station. Taking the coal fired power station on a non-operational basis is not considered to be the correct baseline for the purposes of EIA either. Rather, Counsel has advised that the correct baseline must be what is likely to be the case if the proposed development does not go ahead, this may not necessarily be the current state of the environment but the likely state of the environment if the project does not go ahead. This corresponds with the common interpretation of a 'fallback' position as a hypothetical scenario where planning permission is not forthcoming and what could be achieved without the requirement for further consent or achieved within existing lawful use and/or utilising permitted development rights.

SUP has since confirmed that it would not follow a 'do nothing' approach given the extent of investment in Uskmouth Power Station made to date. If the proposed development does not proceed, Uskmouth Power Station would re-energise and operate the existing power station at 393 MW on 50% coal and 50% biomass under its current permit with the aim to achieve the necessary emissions limits beyond 2027. This could be achieved without additional consent being required and utilising permitted development rights available for electricity generating stations.

The above future baseline has been used within the EIA accompanying this planning application. In accordance with the requirements of the EIA Regulations, the 'conversion project' as a whole is assessed, including the proposed operational development, which is the subject of the current application for planning permission.

- 7.12 It is considered that the fallback set out is a reasonable one, is material and must carry substantial weight. It is also noted that no further planning related consents would be required to action it. It is possible however that variation to existing site environmental permit would be necessary.



Aerial photograph of plant taken during its operation.

- 7.13 **Economic and energy production/security and associated wider environmental/climate effects having regard to national and local policy**

Whilst we know that the conversion itself will be regulated by NRW and does not require planning permission, we also know that for this particular conversion to proceed (i.e. pellets) the infrastructure for which consent is sought, is required. These two things appear to go hand in hand and cannot be separated as one cannot or will not happen without the other. So it is necessary to consider what benefits the wider conversion project will bring and what merits we can attribute to this proposal.

- 7.14 The fuel source is novel, the technology to combust fuel to produce electricity is clearly not, and we know that it is this fuel source that results in the applicant's referring to this

conversion as a “world first”. It appears likely that it is as officers and NRW representatives are not aware of any other, certainly in the UK. The fact that it is and that Uskmouth is the location for a new, potentially globally significant energy production process involving non recyclable waste, may be seen as a potential benefit to the locality in itself. On the flip side, it may also be seen as an unfortunate consequence of excess non recyclables and an out of date incineration process. Simec Atlantis (the applicant) are a global sustainable energy company with interests, notably in tidal energy, elsewhere in the UK, Japan and Europe. It also operates an engineering and tidal turbine related business so it is familiar with energy production by renewables and this particular conversion proposal may well be a consequence of a gap in the sector of energy production that can make use of a fuel source that can be easily obtainable and likely at cheap cost.

- 7.15 The applicant has confirmed that testing of the fuel source and combustion system design work is completed and two sites outside of Newport will be used to source the pellets required for phase 1 of the conversion project. We know that the potential for a pellet production plant on site has been considered but this option has now been ruled out. Officers previously raised concerns regarding this bearing in mind that importation of waste to make pellets would impact highway capacity and air quality, notably at the SDR/Corporation Road junction.
- 7.16 We also know that the development proposal being considered as part of this application is essential to the successful delivery of the conversion project. The applicants estimate that 400 jobs will be employed in the combustion system upgrade, plant life extension and return to operation works along with 150-200 fte specialist contractor jobs involved in major plant overhauls likely required every 4 years over the 20 year extended life of the plant. In excess of 100 jobs will be directly or indirectly employed in the ongoing operation and maintenance of the plant over the 20 years a net increase of at least 15 personnel. These are long term, high value, sustainable jobs with associated skills transition benefits. Since the cessation of energy production, SIMEC has retained key staff on site pending the transition. The plant therefore contributes to local employment opportunities and the economy and the extension of the plant’s life and bringing it back into beneficial use will invariably have local economic and employment benefits and officers consider that as an established local industry this must be given significant weight.
- 7.17 The Uskmouth Conversion Project intends to contribute to the UK being able to meet the continuing need for underlying ‘on demand’ generation which is required to supplement generation from intermittent renewable energy sources. Many renewable energy sources such as wind and solar cannot be accurately predicted, and we do not currently have the infrastructure to store electricity at large scale to even out differences in generation and demand. Therefore, we need to extend the life of some power stations (or build new ones) which can produce electricity when it is needed. Undertaking this conversion means the power station can work alongside increasing generation from intermittent renewable sources to help make sure demand can be met.
- 7.18 The converted power station is expected to consume approximately 900,000 tonnes of fuel pellets annually. To put that into perspective, it is estimated that the waste used to produce those pellets over the 20-year life of the project would fill a volume equivalent to a landfill site the size of London to a depth of 73 metres (estimate taken from Simec Atlantis website).
- 7.19 Benefits in the development of processes that will allow for the successful and effective production of on demand electricity (up to 220MW) and avoidance of waste to landfill as part of this, must be given substantial weight. It is likely that the proposed fuel source will have a more efficient energy generation than the former coal source. The applicant’s argue that over and above energy security, Environment and economic development factors, the

proposal will offer opportunities for the reduction of waste to landfill and potential improvements arising from reduction in carbon emissions and wider sustainability/environmental benefits. Actual environmental benefits arising from the incineration of non recyclable waste for energy production is perhaps a moot point but it would appear for as long as populations produce non recyclable waste there will be a need to dispose of it. To burn it and make electricity would appear to be better, on the face of it, than to put it in the ground, sea or elsewhere. There is certainly no evidence that would currently confirm otherwise. Whilst there are steps being taken to reduce consumption and non recyclable plastics/material use and increase renewable energy generation, this will take time and until then, what we do with non recyclable waste will remain a topic of discussion. In short, officers consider that the proposed conversion project has merit in diverting non recyclables from landfill and using it as part of energy production and the associated benefits of that. Any claim regarding net carbon and other more technical environmental targets cannot be quantified and are not relied upon.

7.20 Planning Policy Wales appears clear on the move away from fossil fuels but also the emphasis on renewable energy production. This project will change the plant from the burning of fossil fuels to the combustion of waste which is generally regarded as being a renewable source of energy production. It states:

5.7.4: The Welsh Government is committed to delivering the outcomes set out in Energy Wales: A Low Carbon Transition. Our priorities are:

- *reducing the amount of energy we use in Wales;*
- *reducing our reliance on energy generated from fossil fuels; and*
- *actively managing the transition to a low carbon economy.*

5.7.5: These priorities contribute to reducing carbon emissions, as part of our approach to decarbonisation, whilst enhancing the economic, social, environmental and cultural well-being of the people and communities of Wales, in order to achieve a better quality of life for our own and future generations. This means taking precautionary action to prevent Wales being 'locked in' to further fossil fuel extraction and high carbon development. The planning system should facilitate delivery of both this and Welsh, UK and European targets on renewable energy.

5.7.7: The planning system should secure an appropriate mix of energy provision, which maximises benefits to our economy and communities whilst minimising potential environmental and social impacts. This forms part of the Welsh Government's aim to secure the strongest economic development policies, to underpin growth and prosperity in Wales, recognising the importance of decarbonisation and the sustainable use of natural resources, both as an economic driver and a commitment to sustainable development.

5.7.8 The benefits of renewable and low carbon energy, as part of the overall commitment to tackle climate change and increase energy security, is of paramount importance. The continued extraction of fossil fuels will hinder progress towards achieving overall commitments to tackling climate change.

7.21 In summary then, the infrastructure for which permission is sought is only required to service the plant's conversion. The change of fuel source does not require planning permission but does require variations to the site's environmental permit and this is regulated by NRW not the Council. At this point in time, we have no reason to believe that the NRW process for securing the permit required to enable the plant conversion, will not progress to a positive outcome. If permission is given to this application and the works to convert the plant are implemented and the combustion units brought back into use the following are seen as realistic benefits or merits that must be considered and afforded weight in the decision making process:

- job opportunities during construction phase and operations;

- critical skills and existing employment secured;
- specialist contractor and subsidiary employment will be generated or secured to service the plant over its predicted 20 year lifetime;
- much of this employment will be skilled and high value roles with associated training transfer opportunities;
- the plant will become the only such plant of its type so far anywhere and potentially provide the knowledge required to do the same at other fossil fuel burning power plants across the UK and elsewhere to facilitate conversion from coal whilst retaining energy security;
- it will re-use an existing dormant power production site, on brownfield land within the urban settlement boundary and extend its operating life by 20 years;
- it will re-use existing infrastructure on the site including access by rail;
- it will continually produce electricity to the network with the potential to offer local electricity supply agreements;
- it will utilise a new fuel type made entirely from non recyclable waste that would otherwise be directed to landfill.

7.22 The scheme is considered to comply with policies SP1 (sustainability), SP18 (urban regeneration), CE10 (Renewable Energy Schemes), T1(Railways), and W1 (waste management facilities) -insofar as it manages the processing of waste – having regard to the merits identified above. It is also considered compliant with the Wales National Marine Plan. Other material considerations are considered below.

Residential amenity effects and impact upon RSPB reserve associated with construction phase works, construction noise and vibration and both construction and operational phase traffic

7.23 The Local Planning Authority is being asked to determine operational development only. Emissions changes as a result of change in fuel does not require planning permission as we already know the change in the fuel type does not fall within the control of the Authority. We also know that the Environmental Permitting Regulations for which NRW are the competent determining authority, will consider changes to emissions arising from a change in fuel source having regard to matters relevant to air quality and emissions. In short, the environmental permitting process is the effective regulation of air quality associated with operational emissions in this case and the impact of such emissions upon both human health and environmental receptors. The Local Planning Authority must not seek to duplicate these controls. The Local Planning Authority can, however, consider any regulatory gaps arising from potential effects of the conversion process and to this extent officers are satisfied that operational traffic related matters are for the Local Planning Authority to control if required. Similarly, construction phase works in relation to the conversion itself are also matters not likely regulated by NRW and must be considered by the Authority. In this regard, these works will be internal and unlikely to give rise to demonstrable adverse nuisance effects. However, construction and operational traffic controls can encompass traffic associated with the conversion over and above those movements associated with the operational works for which consent is sought.

7.24 The existing stack of 122m high will continue to be the source of emissions as a result of the change of fuel source. Appropriate dispersion and critical load assessments have been made and modelled in the submitted ES and the methodology and outcome of these reviewed both by NRW and Environmental Health. The Authority must undertake an appropriate assessment of effects on the conservation status of nearby ecologically protected sites arising from the proposal being considered. All advice to us is that we have sufficient information to complete such an assessment. It is also clear that NRW will not have issued a varied Environmental Permit at time of reporting but appropriate reassurance of progression towards a permit outcome has been provided. It is officer's view that the

response of NRW in this case is necessary reassurance for the Authority to progress to the reporting of this proposal and completion of its appropriate assessment. However, the conversion project cannot proceed until a suitable environmental permit is issued on the site by NRW.

- 7.25 As confirmed above, air quality matters associated with construction phase operations of the application site are clearly within the remit of the Local Planning Authority (not NRW). It also appears that construction phase effects associated with changes to the existing buildings and plant to enable the conversion process must also fall within the remit of the Authority as they are not clearly regulated by NRW and potentially represent a regulatory gap that the Planning Authority should be expected to fill. Commissioning phase of the conversion project that will often give rise to greatest potential noise issues for example, do fall within the remit of NRW and are not a matter for the Authority to consider and control.
- 7.26 Construction phase air quality effects arise largely from dust generation and demolition, earthworks, storage of materials and comings and goings of construction vehicles. No demolition is proposed in this case. The site is very large and much of it will remain undisturbed by the proposal. The nearest sensitive receptors are likely to be public usage of the adjoining RSPB reserve some 350m away from earthworks. The dust assessment shows a “not significant” effect upon receptors with low risk of dust soiling (of vehicles etc) and low risk to human health arising for construction activities. No objection has been raised by technical consultees in this respect but a Construction Environmental Management Plan will be required by way of condition along with controls on construction hours. Traffic related air quality impacts are not quantified in the ES are effectively scoped out. There are no AQMAs effected by the proposals and background air quality and likely pollutant dispersion potential is likely to be good. That said, if construction HGV traffic volumes in particular were likely to increase over and above those given as maximum daily movements in the ES, the impact of such emissions on local residential and recreational receptors may change and furthermore, in combination effects with other activities on site for example may give rise to adverse effects. Whilst this is unlikely it cannot be ruled out and an appropriate condition to secure a limit on HGV traffic movements in accordance with those modelled in the ES is necessary.
- 7.27 Information has been provided in relation to construction phase transport within the ES and a Transport Assessment has been submitted.

The construction phase of the Uskmouth Conversion Project will require the following works :

- The Proposed Operational Development (referred to as the “Proposed Development”) which consists of all fuel storage and material handling infrastructure to be constructed external to the existing power station building,
- Power Station Upgrade, the works required for fuel combustion equipment conversion and plant life extension to be conducted inside the existing power station buildings (referred to as the “Power Station Upgrade”)

- 7.28 Once the Proposed Development works and Power Station Upgrade is completed the Uskmouth Conversion Project will be able to commence operation through the combustion of waste-derived fuel pellets either exclusively or co-fired with other biomass fuels for the sole purpose of electricity generation.
- 7.29 There appears little doubt that those travelling to site will very likely do so by private vehicle by reason of site location and accessibility characteristics. Although the site is close to several PROWs, a bus stop serving the RSPB reserve and the national cycle route, the reality is unlikely to lead to most staff using these opportunities although cycling may be a preferred option for some. This is borne out in the mode share within the applicant’s

Transport Assessment that shows nearly 85% will drive or share a car to site with a further 4% travelling in my minibus or similar. It surprisingly places likely foot traffic above cycling but these sustainably forms of transport to site are of low proportion. It is also clear that the Authority is being asked to consider access via West Nash Road and deliveries by both road and rail. Alternative options of bringing in vehicles via Corporation Road have been investigated but capacity and air quality constraints make this a less favourable option at this time and with the lawful use of the site, the access routes proposed mirror those previously used. Moreover, use of such roads by HGVs for example, cannot reasonably be prevented. However, there is clear need for the current owners of the site to actively promote use of more sustainable transport modes and reduce emissions with opportunities for doing so in car share, electric vehicle and bike leasing, mini bus for staff or contractor arrangements, signing up to Ecostars etc. A Travel Plan that sets out proposals for doing so and associated monitoring and enforcement should be provided and subject of a condition. A scheme to provide on site electric vehicle charging points must also be provided.

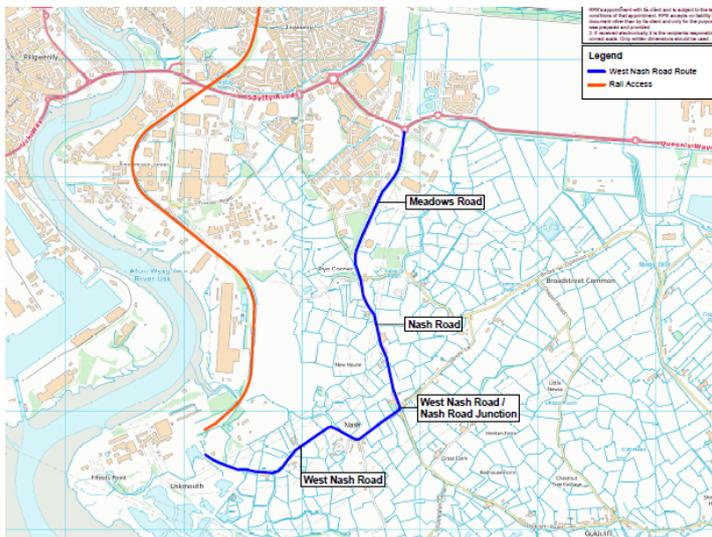
7.30 A CEMP is yet to be provided as the applicant advises that this will be developed in partnership with the construction/conversion contractor. It is inevitable that HGV and construction vehicles will be required during the construction phase and will have no option but to access site via West Nash Road. We know that this is how previous development on site has been serviced. There can be no objection to this in principle but clearly appropriate controls via a CEMP are necessary. The applicants anticipate an 18 month construction phase with 2 months approximately half way through construction of peak construction traffic intensity. Traffic modelling for the construction phase has had regard to this.

Table 10.10: Anticipated peak logistical movements for construction

HGV Movements – Construction	
	Peak movements per day
HGV Movements for the Boiler Conversion	10
Concrete Installations	18
	2
Peak Daily HGV Movements	30

7.31 A peak of 30 2 way movements of HGVs are predicted per day during the construction phase with an additional 314 staff 2 way movements over the day. HGV routing will be via Meadows Road and West Nash Road, not Nash Road (i.e. not past Lliswerry School and College Gwent). With the proposed restriction of HGV numbers this averages out at 3HGV movements per hour.

Plan showing rail and road routes:



- 7.32 The Transport Assessment uses a baseline that does not account for fallback traffic. Instead it uses what is arguably the most sensitive background baseline based on traffic surveys undertaken in 2019 when the Uskmouth site was dormant. On this basis, along West Nash Road the anticipated HGV movements are some 101% greater than HGV baseline flows modelled to anticipated construction completion year of 2022. In short the road goes from nil or negligible HGV traffic to 30 per day. Overall construction traffic is anticipated to be 49% greater than baseline for the construction period. This would include both HGV and staff traffic as the site continues to generate retained staff traffic movements even when dormant. There is no comparison made to potential traffic generation arising from the fallback position if that were to be implemented.
- 7.33 The applicant has confirmed that construction traffic effects along the rest of the network would be limited when compared to baseline and consequently they have focussed their ES analysis of impact upon West Nash Road. We also know that it is unlikely we will see overlap between construction and operational traffic as construction related traffic will likely have ceased once the plant becomes operational. No objection is raised by the Head of City Services in this respect but is clear that conditional controls will be necessary in relation to traffic.
- 7.34 The ES notes that the number of daily HGV Ash movements during previous coal operations has varied over the years. There were occasions when there were more daily HGV movements during coal operations than would be generated by the proposed operational Uskmouth Conversion Project and these were not subject to planning controls. Indeed, there were 66 occasions between 2010 and 2014 when the Uskmouth coal-fired power station generated more daily HGV movements than the operational Uskmouth Conversion Project would be expected to generate. The maximum number of daily HGV movements during coal-fired operations was 120, which occurred in 2013. These previous HGV movements are only those associated with the export of ash. HGV movements associated with reagents and other deliveries need to be added to these, however, the applicant has no records available to do so. The above Ash movements are therefore a smaller representation of the previous HGV movements generated by the operation of the coal fired Uskmouth Power Station
- 7.35 No abnormal loads are expected and no hazardous materials are expected to be transported to site during the construction phase.
- 7.36 Officers consider that having regard to the information provided, traffic associated with the construction and operational phases is unlikely to give rise to significant demonstrable adverse effects on amenity or risk to users of the RSPB over and above any effects previously experienced. However, the use is not a fallback and unlikely to be

resumed and whilst the HGV numbers may be accommodated on the highway network, they are given as maximum daily limits and such daily limits must be subject to conditional control. Any notable increase in daily HGV movements to and from site over and above those assessed as part of the ES do have the potential to give rise to additional effect that have not been assessed. Therefore, the route of HGV traffic and the number of HGV daily movements are recommended as conditions for construction and operation of the site. In addition to this the applicant should be responsible for keeping a log of all incoming and outgoing HGV traffic during both construction and operational phases and such a log should be available for inspection by officers upon request. These controls are in excess of those exercised upon the coal fired station but officers consider that they meet the legal tests in this case as we know that NRW do not exercise any permitting controls over traffic related effects associated with the conversion and, as previously discussed, the development for which consent is sought is required to facilitate the conversion project.

- 7.37 Furthermore, averaged over the year, the applicants find that daily HGV figures for their previous use of site were 13 one way HGV movements per day (26 total) associated with the transport of ash. If we work on the anticipated 8 additional movements anticipated daily from the delivery of other matters, a reasonable estimate of 34 average daily movements during coal fired operation could be made. This is clearly significantly less than the current maximum of 62 operational movements anticipated (this is a maximum figure not an average) but more than the daily maximum for construction vehicles. Whilst we can reasonably assume the coal fired operations will not resume and the associated traffic effects then are in the past, understanding the characteristics of the site, surrounding areas and local transport network, helps us understand prevailing circumstances and potential expectations of effect from nearby receptors.
- 7.38 Peak HGV flows for the construction period will be of short duration and less than HGV flows expected during the operational phase proposed and the peaks of traffic activity during the previous operation of the coal fired station. The Head of City Services has confirmed that neither construction or operational flows will be harmful to road safety or road capacity on the highway network. This assessment has had regard to in combination effects with committed developments also affecting this part of the highway network. If conditional controls ensure that the ES figures are indeed the maximum officers are satisfied that there is no evidence of demonstrable adverse effects arising from construction and operational traffic. Additionally, maximum daily HGV limits will also ensure that unexpected and significant HGV loads on the network arising from the project as a result of rail network issues for example, will be discouraged and liable to enforcement.
- 7.39 On the matters of noise and vibration effects, a chapter in the ES considers this matter and suggests that subject to suitable controls during the construction phase the impact on nearest sensitive receptors in terms of noise and vibration would not be significant. Officers consider that having regard to the local landscape, topography and the scale of development, conditions are necessary to mitigate potential harm arising from construction of the development proposed. This should include limitation on construction hours, limitation on HGV route and construction/HGV hours and vehicle numbers (as previously mentioned), and a CEMP that shall include methodology for monitoring and, if necessary, mitigating vibration and noise effects arising from traffic associated with the construction and operation of the use. Noise and other factors arising from the commissioning and combustion process on site are matters regulated by NRW.
- 7.40 Whilst officers are conscious that the RSPB has significant concerns about the welfare and enjoyment of reserve visitors and residents along the HGV route will have concerns and perceived fears associated with the consequences of increased heavy vehicles along West Nash Road in particular and potentially parts of Nash Road upon adjoining properties and

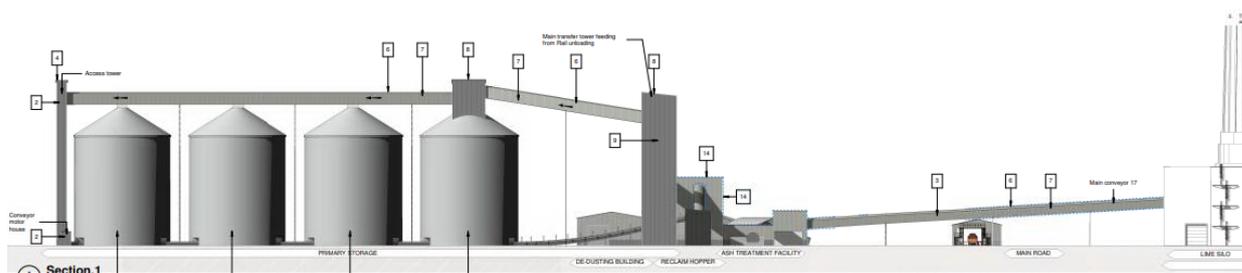
amenity, the re-use of the site would not, itself require planning permission and a fallback is likely. Consequently the potential for HGVs to and from site is also a realistic expectation. The issue for officers is controlling the intensity, times and route of such movements along with placing a requirement upon the applicant to seek and implement greater use of sustainable traffic modes and a reduction in operational traffic overall. In short, the reintroduction of HGV traffic to the site will be considered a negative consequence of the conversion project, however, site re-use for electricity production cannot be prevented. The same applies in relation to rail traffic.

- 7.41 It is considered that initial construction traffic reintroduction is likely to give rise to complaints and concerns and it is also considered that the impact of reintroducing 30 HGV movements a day along local roads will have the potential to cause vibration effects along parts of the route or at least, fear of such effects. It is noted that the Head of City Services has not raised any concerns in this respect but it is considered that vibration impacts from traffic both on the highway network and neighbouring dwellings is a material consideration. Whilst such effects may be insignificant, there is insufficient information at this stage to confirm significance in officer view and this will necessitate a condition. Whilst the ES considers noise effects from construction traffic to be insignificant, vibration effects are less clear. Officers consider additional controls needs to be exercised in this respect and a condition requiring a vibration related strategy is recommended.
- 7.42 In summary, the Uskmouth Conversion seeks to replicate previous operational transport with fuel delivered by rail and operational consumables to site by road and ash exported from site by road. To ensure a robust assessment, this has compared the future operational baseline year (2026), taking into account other schemes that are likely to affect the future baseline conditions, against a scenario which includes the Uskmouth Conversion Project. The traffic numbers take into account the traffic to Newport Wetlands and the baseline position does not include for any power generation at Uskmouth Power Station. This is considered to represent a robust assessment.
- 7.43 To conclude, no objection is raised by the Public Protection Manager or the Head of City Services in relation to noise, air quality, vibration, odour or traffic effects of the development subject to conditions. These are included in this report. However, it is clear that these comments are based on modelling and assessment contained within the ES and changes to the figures provided could give rise to additional effects. Conditions are recommended to control this going forward.

Visual and landscape impact having regarding to the need, scale and location of development

- 7.44 The Council's Landscape officer has confirmed that a competent appraisal of such effects has been provided with this application. The proposal includes large scale industrial development on an existing industrial site. It will be visible from public vantage points. Nearest sensitive receptors will include, for example, public rights of way at the RSPB reserve. It is from these receptors that impacts can be regarded as most significant as although the development will be visible from vantage points much further afield, the impact will be much less as it will merge against the foreground or backdrop of other industrial development on adjoining areas.
- 7.45 At present, the Uskmouth site is dominated by a 122m high stack and a 46m high brick building that houses the combustion units. It adjoins the combined cycle gas turbine power station completed in 2007 with its associated plant, flues and equipment.
- 7.46 Much of the development proposed is relatively low key in this context. The new lime silo alongside the existing silo will not appear incongruous, the enlargement of the rail handling facility and de dusting building will also, whilst large, appear entirely in keeping when set

amongst existing buildings on site. The most significant, in visual terms, element of the proposed scheme are the proposed silos and associated conveyors. The largest of these will be the primary silos at maximum high 48m above ground level (including the head house) and equivalent to the existing brick building on site.



Photomontage provided by applicant of potential view of silos from nearest PROW at RSPB bird reserve:





- 7.47 There are several very high quality vistas identified closeby and potentially affected by the development. These include the Caldicot and Wentlooge Levels, the Nash Reserve, the Saltmarsh and mudflats looking out over the Severn Estuary. There also sensitive residential receptors with views of the site although all of these appear to be at least 1km from the site. Users of Uskmouth Sailing Club to the north of the site will have uninterrupted views of the northern side of the site as they pass via it to access the Club and frequent views of it from the River.
- 7.48 An existing ash mound on site is proposed to be landscaped to help screen views of development but there is, in practice, no means of hiding or obscuring views of the development by reason of its scale and the topographical and locational characteristics of it in the context of sensitive visual receptors.
- 7.49 The ES notes that several residential properties within or close to Nash Village will suffer minor adverse effects during the construction phase as the upper section of the silos and cranes required for their construction would be visible. However, their distance from site and the temporary nature of the construction activities makes these effects negligible and not significant. The impact of users of the PROW coastal path is comparable to this and also considered not significant. The Landscape and Visual Impact Assessment submitted also points to recreational users of the sailing club and reserve experiencing minor to moderate adverse effects from the construction of the development in terms of their views of it. These effects are classed as not significant. Officers consider the effect upon users of the western reserve in particular along with users of the sailing club will be moderate landscape and visual impacts at least, but as these are receptors of medium risk (not high risk like residential receptors) the overall significance of such effects is less in EIA terms.
- 7.50 When we consider the longer term operational landscape and visual effects we must have regard to relevant matters that affect the overall sensitivity to and magnitude of any impacts of the development from various areas.
- 7.51 The site area offers some enclosure by way of its large industrial and power generation buildings to the north. The area's urbanising influence on the surroundings are limited by its proximity to other dockside development to the west side of the River Usk. However, the application site is fairly open to the south and east due to the neighbouring coastal levels landscape. The scale and height of the existing power station has a dominating influence in this part of the Levels and has an indirect influence over the surrounding landscape. The similarity in scale and nature of existing industrial and energy infrastructure compared to the proposed development would ensure a consistency in character. The prominent backdrop provided by the existing built landscape for surrounding visual aspects to the south would not change significantly with the addition of the proposed development. The site is considered to have a high capacity to absorb the proposed development.

- 7.52 The proposed development would result in the reuse of the coal stock yard, a relatively small section of the southern part of the area, from external storage of coal to storage silos containing fuel pellets. The proposed development would result in an intensification of the existing large-scale power generating buildings and infrastructure within the Eastern Usk Industrial Area. In the context of the existing character of the area there would be some minor change to the scale and pattern of the baseline situation through the addition of large-scale infrastructure into a relatively open parcel of land. The scale of the proposed new silos and conveyors would be similar to the existing buildings. These include the boiler house and turbine house buildings and stack which are large scale, tall structures. The Liberty Steel Mill and Severn Power Station, which make up the surrounding development, are similarly large scale and industrial in character.
- 7.53 In terms of overall effect the ES advises that the proposed development would have, at worst, a Moderate adverse effect overall on some visual aspect areas assessed at year 1. These would include the network of footpaths at the RSPB reserve, the Wales Coastal Path and the Estuary saltmarshes which form a semi rural/natural buffer to which the site and other nearby industrial development forms a prominent and contrasting urban context.
- 7.54 At night, lighting on site has the potential to impact ecological and visual interests and future lighting proposals should be subject to a planning condition to agree details prior to installation. The applicants have advised that during operation they do not expect the silos and other new development to require any form of 24 hour lighting.
- 7.55 The applicant's visual assessment also assesses visual impact at year 15 post construction. This is to assess the likely duration of visual impact bearing in mind that in the early years of development it is most likely to exert visual effects as buildings will appear new and the landscape will feel the most obvious impact from ground clearance or pre-landscaped landforms. In all cases, impact is expected to reduce but remain of moderate significance in the case of the 3 vistas identified as most affected.
- 7.56 The LVIA assumes that the silos will be finished in muted matt colours. We understand this to be concrete and therefore grey. The silos, due to their scale, form and use will likely be formed using slip-form concrete pouring techniques and would be unsuitable for conventional cladding, additional enclosure or painting for example.
- 7.57 The site is within the Caldicot Levels Special Landscape Area but the proposed development would result in the redevelopment of a previously developed industrial site within an extensive industrial context that would have no direct effects on the important features, elements and characteristics of the landscape designation.
- 7.58 The Landscape Officer raised a number of initial queries regarding the proposal that have been answered and overall is satisfied with the information provided and no objection is raised. Similarly, having regard to the historical value of the landscape and the impact of development upon it, no objections are raised by either Cadw or GGAT and the proposal is considered to not have any adverse impact upon Scheduled Ancient Monuments, Listed Buildings and their settings, archaeological resource or registered historic parks and gardens in the area.
- 7.59 To conclude on this point, the proposal will be of large scale and clearly visible on a site that already includes highly prominent urban buildings and structures alongside landscape and vistas of high value. From several vistas, particularly those more distant from the site, the impact will be lessened by existing high and large scale industrial features on and off site and whilst the effect will likely be adverse it is also likely to be minor. At least moderate adverse impact will be experienced by nearest recreational visual receptors and this adverse impact cannot be mitigated in officer view and must weigh against the proposals. The scheme is, in this respect, contrary to policy SP8 of the adopted Local Development

Plan as it does not contribute positively to the landscape qualities of the Levels Special Landscape Area.

Ecological impact having regard to the site location close to various ecologically sensitive sites

7.60 The site edged red does not include any protected sites. The site is not directly connected or necessary to the management of the river for nature conservation. In accordance with The Conservation of Habitats and Species Regulations 2017 the Local Planning Authority, prior to determining the application, need to carry out an Appropriate Assessment (AA), identifying any likely significant effects on the River Usk SAC, either alone or in combination with other projects or plans and the Severn Estuary SPA, SAC and Ramsar. At a national level, the River Usk is also a SSSI. The Severn Estuary/Môr Hafren is designated as a European Marine Site, incorporating SAC, SPA and Ramsar site designations. The European Marine Site includes the following features:

- Estuary;
- Subtidal sandbanks;
- Intertidal mud and sand;
- Atlantic salt meadow/saltmarshes;
- Reefs;
- Migratory fish (river Lampetra fluviatilis and sea lamprey Petromyzon marinus, twaite shad Alosa fallax, salmon Salmo salar, eel Anguilla anguilla, sea trout Salmo trutta trutta and allis shad Alosa alosa) and an assemblage of other fish species;
- Internationally important populations of migratory and wintering bird species ;
- Internationally important populations of waterfowl;
- Rocky shores; and
- Freshwater grazing marsh/neutral grassland.

The Severn Estuary is also identified nationally as a SSSI. The River Severn SAC, SPA and Ramsar Site are of very high (international) ecological value,

The Severn Estuary SSSI is of high (national) ecological value. Newport Wetlands is designated as a SSSI and National Nature Reserve.

There are 3 SINCS near the site. These include St Julians Gout, Solutia and Alpha Steel SINCS.

7.61 Analysis of protected species including bat, otter, water vole, badger, birds, reptiles and invertebrates is included in the ES. Great crested newt and dormice and unlikely to be present on site. Not all of these designations and species require consideration under this appropriate assessment but an understanding of the wider ecological environment is a beneficial basis upon which to determine effects on European protected sites. A full Habitats Regulation Assessment accompanies the submission.

7.62 The authority subsequently needs to establish whether it can be demonstrated that a permission, subject to any conditions or planning controls, would avoid any adverse effect to the integrity of the River Usk and River Severn SACs, SPA and Ramsar. **The Appropriate Assessment has been sent to National Resources Wales.**

Information has been submitted within an Environmental Statement, which takes into account the ecological impact of the project. These include:

- Preliminary Ecological Appraisal (Appendix 7.1)
- Bat Survey Report – Roost Surveys and Activity (Appendix 7.2)

- Great crested newt survey (Appendix 7.3)
- Water vole and otter survey (Appendix 7.4)
- Breeding bird survey (Appendix 7.5)
- Coastal bird survey (Appendix 7.6)
- Badger survey (Appendix 7.7)
- Reptile presence/absence survey (Appendix 7.8)
- Dormouse survey (Appendix 7.9)
- Invertebrate survey (Appendix 7.10)

7.63 A lighting strategy, Technical Note on Air Quality and Ecology and an updated Air Quality Assessment on ecological receptors have also been provided.

7.64 Water quality in the River Usk SAC and SSSI would be protected during construction through the implementation of all relevant best practice measures to prevent and deal with spills and any other discharge that could enter the terrestrial or marine aquatic systems. Measures would include designating secure areas for refuelling and storing chemicals in line with appropriate regulations and guidelines.

7.65 Surface water management measures would be implemented throughout construction. Measures would be adopted with reference to industry and regulatory pollution prevention guidelines and would protect the environment from potential construction related discharges to ensure negative effects on water quality are minimised during construction. During operation of the Uskmouth Conversion Project, the existing pollution incident prevention and control procedures would apply to the redeveloped site. All operational areas would also be subject to modern environmental controls. A condition requiring a CEMP is required.

7.66 The River Usk is designated as a SAC based primarily on the presence of a number of migratory and non migratory fish species and otter. Certain fish species known to use the River Usk contribute to the selection of the river as an SAC site. The fish species listed are a primary reason for the selection of the River Usk as a SAC are:

- Sea Lamprey
- Brook Lamprey
- River Lamprey
- Twaite Shad
- Atlantic Salmon
- Bullhead
- Allis shad are also an annex 2 species present within the river as a qualifying feature.

7.67 The presence of watercourses of plain to montane levels with Ranunculion fluitantis and Callitriche-Batrachion vegetation is also a qualifying feature for this sites designation. The SSSI is designated based on the aquatic habitats and condition of the river and its plant and animal communities that use the feature across its range. The conservation objectives of the River Usk SAC are attached in *Appendix A*.

From a consideration of the protected features of the SAC, the potential hazards from proposals include

- Disturbance to protected species from noise, vibration and lighting.
- Disturbance to wider habitat.
- Pollution /surface water run-off during construction and operation
- Air quality changes and deposition of material arising from emissions and dust;
- Construction methods, including piling vibrations that could affect protected species identified (fish) The rare fish species Allis and Twaite Shad, features of the river Usk SAC, are especially sensitive to vibration.

7.68 Based on the specific proposals for the construction phase of the Uskmouth Conversion Project including the Power Station Upgrade (i.e. internal works required for fuel combustion equipment conversion and plant life extension within existing buildings) and the Proposed Development (i.e. external construction of all fuel storage and material handling infrastructure), the following four Natura 2000/Ramsar sites require consideration as part of an appropriate assessment as to whether they could be affected:

- River Usk/Afon Wysg SAC;
- Severn Estuary/Môr Hafren SAC;
- Severn Estuary/Môr Hafren SPA; and
- Severn Estuary/Môr Hafren Ramsar site.

The Proposals are located within Management Unit 1 of the River Usk SAC. Within this management unit the following key features from the Habitats Directive Annex II species list have been identified:

- Sea lamprey (*Petromyzon marinus*);
- Twaité shad (*Alosa fallax*); and
- European otter (*Lutra lutra*).

The following Habitats Directive Annex II species have also been identified as features of the River Usk SAC Management Unit 1 that are of importance in the unit but are not the main focus of management or monitoring. These features will benefit from management for the key feature(s) identified in the unit:

- River lamprey (*Lampetra fluviatilis*);
- Allis shad (*Alosa alosa*); and
- Atlantic salmon (*Salmo salar*).

In respect of the River Severn/Severn Estuary SAC, the site is designated as an SAC under Article 4(4) of the Directive (92/43/EEC) as hosts the following habitats listed in Annex I:

- Estuaries;
- Sandbanks which are slightly covered by sea water all the time. (Subtidal sandbanks);
- Mudflats and sandflats not covered by seawater at low tide. (Intertidal mudflats and sandflats);
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*); and
- Reefs.

The site is designated under Article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:

- Sea lamprey (*Petromyzon marinus*);
- River lamprey (*Lampetra fluviatilis*); and
- Twaité shad (*Alosa fallax*).

7.69 The Severn Estuary is also a designated SPA under Article 4.1 of the Birds Directive as it regularly supports an internationally important wintering population of Bewick's swan (*Cygnus columbianus bewickii*) listed as an Annex I species.

The SPA also qualifies under Article 4.2 as a wetland of international importance by regularly supporting over 20,000 waterfowl with 68,026 individuals recorded between 1988/89 to 1992/93 and by regularly supporting the following internationally important migratory species:

- European white-fronted goose (*Anser Albifrons albifron*);
- Shelduck (*Tadorna tadona*);
- Gadwall (*Anas strepera*);
- Dunlin (*Calidris alpina*); and
- Redshank (*Tringa tetanus*).

The Severn Estuary also supports an internationally important assemblage of waterfowl, consisting of all species mentioned above, in addition to nationally-important overwintering populations of the following species:

- Wigeon (*Anas penelope*);
- Teal (*Anas crecca*);
- Pintail (*Anas acuta*);
- Pochard (*Aythya farina*);
- Tufted duck (*Aythya fuligula*);
- Ringed plover (*Charadrius hiaticula*);
- Grey plover (*Pluvialis squatarola*);
- Curlew (*Numenius arquata*);
- Whimbrel (*Numenius phaeopus*);
- Spotted redshank (*Tringa erythropus*)
- Lapwing (*Vanellus vanellus*);
- Mallard (*Anas platyrhynchos*); and
- Shoveler (*Anas clypeata*).

The qualifying interest features of the Severn Estuary Ramsar Site overlap with those of the Severn Estuary SPA and SAC.

- 7.70 The potential hazards and assessment of likely significance of effects arising from the development on all of the above must consider the following: noise during construction and primarily linked to piling activities, human activity during construction, air quality changes and associated deposition of dust and emission particles during operation, operational noise related disturbance, human activity during operation.
- 7.71 The construction phase has been divided into two main activities, with potential for impacts varying between the two. General background construction noise is predicted to have a negligible impact on the qualifying features of the Natura 2000 sites, including on mobile species such as otter, where habitats outside the designated site are important for sustaining the population. Higher levels of construction noise are associated with specific activities during construction including piling, where there is the potential for the activity of species using habitats outside the power station landholding to adapt.
- 7.72 The magnitude of impact on the Natura 2000 sites are negligible and the significance of the effect is negligible adverse.
- 7.73 During construction, the higher level noise activities would relate to piling on the southern side of the existing power station building. Negligible impacts are predicted on the intertidal

habitat because of the shielding effect of the existing building, or on fauna using the Newport Wetlands because of the distance between the source of noise and waterbodies.

7.74 The ES Ecology chapter concludes as follows:

All impacts on nature conservation designations and habitats during construction and operation of the Uskmouth Conversion Project are negligible [in ES terms].

In the absence of any species protection measures there is the potential for minor adverse effects on several groups of species and under a precautionary approach, a moderate adverse effect of water vole cannot be ruled out. The ES sets out a series of additional measures including species protection, maintaining the context of the surrounding environment, ecological enhancement through habitat creation, and long term management.

Residual effects on off-site bat roosts would be avoided through appropriate lighting and controls on maximum permitted noise levels close to the structure of the flyover bridge.

There is potential for minor adverse residual effects on wintering birds, breeding birds, water vole and otter during the construction of the primary silos through noise. The design and implementation of sensitive construction working methods for the silos would control noise levels and the worst-case residual impact would be expected to be negligible adverse. These effects are not significant for the EIA.

The operational residual effects on designated sites are negligible adverse while on habitats and some species the predicted effect is negligible beneficial as the habitats being created for biodiversity, on areas that are currently bare ground, become established and extend the resources for wildlife in and around the Uskmouth Conversion Project.

7.75 The Habitats Regulation Assessment confirms no effects of significance and proceeds to consider in combination effects with 2 large scale employment development allocations within the LDP. It concludes as follows:

It has been concluded that there are no potential likely significant effects on any interest features within the River Usk SAC, Severn Estuary SAC, SPA and Ramsar sites during the construction or operational phases of the Uskmouth Conversion Project either alone or in combination.

7.76 Early consultation with Natural Resources Wales (NRW) and consultation with the Council ecologist identified a requirement for additional information notably in relation to air quality, lighting and water vole habitat/impact and habitat enhancement. Additional information has been received in relation to these matters.

NRW advise the following conditions are included as part of any decision made by the Authority and these include conditions explicitly for the protection of designated sites and their conservation status:

Condition 1: Restrict timing of piling activities to protect notified features of the Severn Estuary Special Protection Area;

Condition 2: Secure implementation of mitigation measures in Breeding Bird Survey (prepared by RPS, 24 December 2019);

Conditions 3 – 6: To ensure an acceptable scheme to deal with land contamination is agreed with the planning authority;

Condition 7: Secure implementation of approved plans demonstrating the primary storage silos are above predicted flood levels;

Condition 8: Submission and approval of a Lighting Plan for Protected Species;

Additional condition

Condition 9: Written method statement to ensure the working methodology for water vole mitigation and enhancement strategy is agreed;

- 7.77 All of the above are included as recommended conditions by planning officers. NRW confirms that with these conditions and appropriate links to specified documents it is satisfied that it can be concluded that the proposal with the planned controls, including Best Available Technique abatement of air pollutants, is not likely to have an adverse effect on the integrity of statutory designated sites. As Environmental Permit regulator for aerial emissions associated with plant conversion, such confirmation is robust evidence that air quality during operation will not likely have significant effects on the River Usk SAC or Severn Estuary SPA and SAC.
- 7.78 NRW note higher deposition affecting nationally protected SSSIs (not a factor for the appropriate assessment) but conclude that these too will not be significant and will not demonstrably prejudice ecological status, stating that “damage to the SSSIs features is unlikely.” NRW confirms that it is also satisfied with in combination effects in relation to this matter.
- 7.79 In respect of otters, the information is satisfactory on the basis that only minor maintenance work is proposed to reinstate the railway line. Any ground disturbing works associated with reinstatement of the line and associated lighting would need to be controlled to avoid effects. This must be subject to a suitable planning condition.

Conclusion of Appropriate Assessment

- 7.80 Reproducing the potential hazards identified earlier in this assessment and the mitigation required below officers are satisfied that adverse effect on designated sites will be avoided. This has regard to the information accompanying the application and referred to above along with the advice of NRW in particular.

From a consideration of the protected features of the SAC/SPA/Ramsar, the potential hazards from proposals include

- Disturbance to protected species from noise, vibration and lighting – condition required to control groundworks and lighting associated with rail line maintenance or reinstatement; condition linking to ecological requirements identified in ES, controls on piling, 10 years ecology and landscape management plan.
- Disturbance to wider habitat – as above and soft landscape plan and scheme.
- Pollution /surface water run-off during construction and operation – condition requiring surface water management strategy and pollution prevention condition.
- Air quality changes and deposition of material arising from emissions and dust - an environmental permitting matter and NRW reassurance that the information on this matter has been provided for its assessment;
- Construction methods, including piling vibrations that could affect protected species identified (fish) The rare fish species Allis and Twaite Shad, features of the river Usk SAC, are especially sensitive to vibration. – condition requiring surface water management strategy during construction and pollution prevention conditions recommended by NRW and controls over piling operations.

Other matters considered secondary

Impact upon the archaeological and historic environment

- 7.81 No objection is raised by technical consultees in relation to this matter. The site is brownfield and disturbed land so unlikely to display any archaeological constraints. Notwithstanding, a condition is recommended by GGAT and is included. No nearby protected historical sites are demonstrably affected by the proposals as confirmed by CADW.

Drainage and Flood Risk

- 7.82 Topographical information indicates the Uskmouth site is approximately 8.6m AOD but the old coal stock yard is lower at 7.4m AOD as the site has a north-south slope.
- 7.83 The site is at risk of tidal flooding from the River Usk and is within flood zone C1 for the purposes of TAN15. The power station is highly vulnerable development for the purposes of TAN15 and officers consider that the proposed development which is required to facilitate continual operation of the plant, is also highly vulnerable.
- 7.84 Insofar as surface water is concerned, as the site boundary area is largely already surfaced by low permeable hardstanding and/or compacted coal, the change in permeability as a result of the Proposed Development has been identified as negligible and not significant.
- 7.85 The main risk of flooding is associated with surface water ponding in localised low-lying areas of the site boundary area.
- 7.86 An FCA has been submitted for consideration which identifies that the Uskmouth Conversion Project is considered being at varying degrees of risk of tidal flooding. Flood management procedures and a Flood Evacuation Plan would be incorporated into the development management plan to ensure that on site materials are appropriately stored and that site-users are safely evacuated from site in a timely manner. The potential impacts on site-users and the local environment is therefore considered to be of minor adverse significance for EIA purposes. The Uskmouth Conversion Project is at low risk of surface water flooding. The Uskmouth Conversion Project is defined as 'highly vulnerable' and suitable for the present Flood Zones including climate change, subject to the application of a justification test. A justification test has been undertaken and there are no other reasonably available sites suitable for a development of this type.
- 7.87 The FCA demonstrates that appropriate mitigation measures would reduce the adverse impacts caused by the Uskmouth Conversion Project and an appropriate drainage strategy would be incorporated into the design to attenuate any increase in surface water run-off, therefore, increase in flood risk. The FCA and Outline Drainage Strategy therefore demonstrate that the project meets the requirements of PPW10 and TAN15. NRW has not requested any conditions in this respect other than to ensure the FFL of the primary silos is elevated above flood levels. Other operational controls will be exercised by NRW as part of its permit.
- 7.88 Cumulative impacts from developments screened into the EIA have been assessed. It is assumed that each development would be constructed in line with the requirements of PPW10 and TAN15, requiring that new developments attenuate surface water run-off where practicable to the greenfield run-off rate via a surface water management plan and/or drainage scheme. The impacts are predicted to result in effects of negligible or minor adverse significance.

Justification Test for PPW15

The aim of the Justification Test is to steer new development towards suitable land in Zone A, otherwise to Zone B, where river or coastal flooding would be less of an issue. For developments in Zone C, the Justification Test is required. TAN15 states development will only be justified if it can be demonstrated that:

- a. 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

b. 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

c. It concurs with the aim of PPW10 and meets the definition of previously developed land; and

d. The potential consequences of a flooding event for the particular type of development have been considered.

Whilst parts of the site are shown to be located within Zone B, the site is predominantly located within Zone C thus application of the Justification Test is required.

7.89 With reference to point b, the Uskmouth Conversion Project has the potential for significant beneficial economic effects at a local level in relation to employment opportunities and the purchasing of local services by construction works. During operation, it is anticipated that there would be a net increase of up to 15 staff.

7.90 With reference to point c, the Uskmouth Conversion Project comprises of conversion of the existing coal-fired power station (Power Station Upgrade) to generate electricity from the combustion of waste derived fuel pellets. The outward appearance of the existing power station buildings and exhaust stack would remain unchanged as other changes to equipment would be made within the envelope of the existing buildings. The most visible difference to the appearance of the site will be from the Proposed Development, to include new fuel storage silos as well as new and refurbished conveyors and rail infrastructure. The primary storage silos will be constructed on the existing coal storage area. The footprint of fuel pellet storage silos will be smaller in comparison to that of the footprint of existing to external storage of coal. The resulting areas of the existing coal storage area being returned to green infrastructure.

7.91 The northern area of the site may be impacted by tidal flooding to a depth of 0.92 m during the 1 in 200 year 2090 defended scenario (considered to be the design flood event). The central area of the site may be impacted by flooding to a depth of 0.27 m. The southern area of the site may be impacted by flooding to a depth of 1.41 m during the 1 in 200 year 2090 defended scenario. The proposed silos will be raised above the existing ground level and above the anticipated level of flooding. In addition, proposed conveyors will also be raised above surrounding ground levels. The proposed rail unloading facilities are required to be flush with surrounding ground levels therefore it is recommended these are constructed using flood resilient and resistant construction techniques. It is also noted that accident and hazard prevention controls will be covered by the NRW Environmental Permit.

Based on the above the proposal is considered compliant with the justification test.

7.92 In the FCA it is recommended that the Uskmouth Conversion Project, including the Proposed Development, is registered with the NRW's flood warning service which allow site management to receive automatic alerts in the event flood warning/severe flood warnings are issued. In addition, it is recommended that a Flood Warning and Evacuation Plan (FWEP) is prepared to set out the procedures that site management and site staff should follow in the event a flood warning is issued. Based on the tidal nature of flooding it is anticipated that sufficient warning time would be available to safely evacuate from site, however, where insufficient time is available, safe refuge should be provided (i.e. a place at higher level to retreat to in the event of flooding). These recommendations are included as a note to applicant.

7.93 Having regard to the flood consequences assessment and the mitigation measures proposed along with NRW advice in response to application consultation, subject to suitable conditions, particularly in relation to the finished floor level of the silos, flood risk is

considered to be manageable and the development will not give rise to increased flood risk elsewhere.

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 proposal will have an adverse effect upon local visual receptors, notably recreational viewpoints closeby at the national nature reserve managed by RSPB and Wales Coastal Path. From some viewpoints these effects are at least moderate and could potentially be regarded as significant. The effects cannot be mitigated. However, from the majority of sensitive visual receptors, the development will be visible, distant and amongst a foreground or backdrop of other high level industrial buildings or plant that will enclose or lessen effects. However, in respect of the Levels Special Landscape Area the test set out in adopted LDP policy is that the existing or potential qualities of the site will be improved or complemented. Therefore even if we take the Levels SLA as a whole and equate this to an overall slight or even negligible adverse effect, it does not comply with the policy and this must weigh against the proposal.

- 9.2 The impact of the proposals in transport terms has been considered in detail and it is clear that the RSPB raise significant objection in this respect. It is also likely that neighbouring residents along some parts of the HGV route will consider the reintroduction of HGVs along the route as a threat to their amenity. This is entirely understandable. However, officers have considered site history, site lawful use, a hypothetical fallback use, the Transport Assessment, the ES, the comments of technical consultees and are of the view that with conditional controls the effects of traffic on the highway network can be managed such that a robust objection or reason for refusal in relation to transport matters cannot be made.
- 9.3 The merits of the scheme weigh significantly in favour of it and any adverse effects deemed to arise from impact on landscape and impact upon amenity must be balanced against such merits. Officers are of the view that the proposal is not likely to have a significant adverse effect on the environment. In this case, it is considered that the merits of the scheme outweigh the objections and recommend permission is granted subject to conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS WITH DELEGATED AUTHORITY GRANTED TO HEAD OF REGENERATION INVESTMENT AND HOUSING TO ISSUE A DECISION ONCE NRW AGREE APPROPRIATE ASSESSMENT

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

- Document Ref. OXF11701 Ecology Response to NRW 201026_v0 “Supplementary Ecology Note – Uskmouth Power Station Conversion Project” by RPS (not dated)
- Document Ref. BRM09193-2 “Uskmouth Power Station Conversion Project – Lighting Statement”, dated 21 October 2020.

- Planning Statement by RPS
- Pre Application Consultation Report
- Design and Access Statement
- Covering Letter by RPS
- Environmental Statement Non Technical Summary
- Environmental Statement Volume 1 – 3
- Applicant response to some consultee comments dated 12.10.20
- water vole mitigation strategy received 22.12.20
- letter from agent 22.12.20 - 201222 L JPW1248 DP Requirements 2&3 V1
- Additional photo montages received 28.10.20
- HGV routing plan received 25.1.21
- Updated Habitats AQ Assessment
- Technical Note on AQ and Ecology
- 019784-RPS-DS-XX-DR-A-5000-P03-Day Silo Plans
- 019784-RPS-DD-ZZ-DR-A-5300-P04-Proposed De-Dusting Building Elevations
- 019784-RPS-DD-01-DR-A-5001-P04-Proposed De-dusting Building Roof.
- 019784-RPS-DD-00-DR-A-5000-P04-Proposed De-dusting Building Group
- 019784-RPS-CC-XX-DR-A-5303-P05-Proposed Main Conveyor 13 15 16.
- 019784-RPS-CC-XX-DR-A-5301-P03-Existing Conveyors 13 14 15 1
- 019784-RPS-CC-XX-DR-A-5300-P03-Existing Conveyor 17 Elevations
- 019784-RPS-SI-ZZ-DR-A-5201-P04-Proposed Site Sections Sheet 2
- 019784-RPS-SI-ZZ-DR-A-5200-P04-Proposed Site Sections Sheet 1
- 019784-RPS-SI-ZZ-DR-A-5003-P07-Proposed SUP Site Plan
- 019784-RPS-SI-ZZ-DR-A-5002-P06-Existing SUP Site Plan
- 019784-RPS-SI-ZZ-DR-A-5001-P04-Site Boundary.
- 019784-RPS-SI-ZZ-DR-A-5000-P05-Site Location Plan.
- 019784-RPS-RU-XX-DR-A-5302-P03-Proposed Rail Unloading Elevation.
- 019784-RPS-RU-XX-DR-A-5200-P02-Sections Through Rail Unloading E
- 019784-RPS-RU-01-DR-A-5003-P03-Proposed Rail Unloading Roof Plan
- 019784-RPS-RU-00-DR-A-5002-P03-Proposed Rail Unloading Ground Fl
- 019784-RPS-PS-XX-DR-A-5301-P05-Proposed Primary Storage Elevation

- 019784-RPS-PS-XX-DR-A-5300-P05-Proposed Primary Storage Elevation
- 019784-RPS-PS-XX-DR-A-5200-P04-Proposed Primary Storage Sections
- 019784-RPS-PS-GF-DR-A-5000-P05-Proposed Primary Storage Site Layout
- 019784-RPS-LS-ZZ-DR-A-5300-P04-Existing and Proposed Lime Silo Elevations
- 019784-RPS-DS-XX-DR-A-5300-P03-Day Silo Elevations
- 019784-RPS-DS-XX-DR-A-5200-P02-Proposed Day Silo Section

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

Pre- commencement conditions

- 02 No development, including site clearance, shall be carried out until a written method statement for all works associated with the enhancement of the boundary ditch is submitted to and approved in writing with the local planning authority. The written method statement should build on the approved *Water Vole Mitigation and Enhancement Strategy (Version 1) – Uskmouth Power Station* by RPS, dated 22 December 2020 (*document ref. ECO01486*) and include, but not be limited to:

A copy of the toolbox talk and induction/training that will be provided to all site staff

A copy of the method statement for all works associated with the ditch enhancement, including precautionary working methods and mitigation and contingency measures to protect water voles and their habitat.

The scheme shall subsequently be implemented as approved within the timescales agreed with the Local Planning Authority and retained thereafter.

Reason: in the interests of safeguarding protected species.

- 03 The development shall be undertaken fully in accordance with mitigation measures set out at paragraphs 4.1.8 and 4.1.9 of the Breeding Bird Survey prior to the commencement of development.

Reason: To protect bird features of the Newport Wetlands SSSI/NNR

- 04 No development shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:

i.all previous uses

ii.potential contaminants associated with those uses

iii.a conceptual model of the site indicating sources, pathways and receptors

iv.potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development, as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

- 05 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme for historic environment mitigation which has been

submitted by the applicant and approved by the Local Planning Authority. Thereafter the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: to identify and record any feature of archaeological interest discovered during the works in order to mitigate the impact of the works on the archaeological resource.

- 06 Prior to the commencement of development, to include demolition, a Construction Environmental Management Plan (Environmental Health) 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 approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

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

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

Reason: To ensure that residential amenity and human health is protected.

- 07 The development shall be undertaken in accordance with a Construction and Environmental Management Plan (CEMP - Highways) that deals with the following matters:

- Construction Traffic Management Plan;
- HGV traffic wheel washing plant and procedures;
- General construction site information;
- Construction programme;
- Storage & Compound Details;
- Fencing, Security & Site Hoarding Details;
- Noise & Vibration Management Plan;
- Dust, Emissions & Odours Management Plan;
- Cementitious Materials Controls;
- Lighting Management Plan;
- Contaminated Material Plan;
- Construction Drainage Plan;
- Green Infrastructure Plan;
- Site Waste Management Plan; and
- Contacts & Complaints.

And that shall first be submitted to and approved in writing by the local planning authority.

Reason: In the interests of residential amenity, the environment and public safety and in accordance with policy GP2 and policy SP1 of the adopted Local Development Plan.

- 08 Prior to commencement of development, a scheme for the monitoring and potential mitigation of vibration damage from HGV traffic associated with the development and associated operations along Nash Road and West Nash Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the scheme agreed.

Reason: To safeguard residential amenity and highway safety/local infrastructure conditions.

- 09 Prior to the commencement of development a scheme of surface water management to be implemented during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- Integrated surface water management on site;
- Pollution prevention measures to ensure negative effects on water quality are minimised;
- Pollution incident control and reporting procedures;

- Identification of secure areas for refuelling and storing of any chemicals and other hazards.
Reason: To safeguard the local water environment and sensitive ecological receptors.

10 Prior to the commencement of development, full details of all new external finishes and surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the details agreed and retained thereafter.

Reason: In the interests of visual amenity and landscape character.

11 Prior to the commencement of development, full details of the slab and finished floor levels of the day and primary silos and associated apparatus having regard to existing site levels, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with these details thereafter.

Reason: In the interests of visual amenity and landscape character.

Pre – construction conditions

12 Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used, measures to restrict light spillage and where this will be deployed, including proposed timing of operation in and adjacent to key sensitive areas and affecting sensitive receptors;
- Drawings setting out light spillage in key sensitive areas (E.g. Julians Pill, the ditches along the perimeter of the site and where otters may cross the railway line, River Usk);
- An Environmental Lighting Impact Assessment against conservation requirements for protected species. This should also have regard to the potential for light effects on sensitive residential receptors;
- Details of lighting to be used both during construction and operation;

The lighting shall be installed and retained as approved during construction and operation.

Reason: in the interest of otter and bats, their commuting corridors and foraging habitats and residential amenity.

13 Prior to the commencement of construction, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a planting plan that confirms the size, height, type and species of all new trees and shrubs to be planted;
- detailed hard and soft landscape plans to be accompanied by associated detailed level plans;
- measures to protect surfaces from root damage and use of underground cells to increase root volume where appropriate;
- a detailed water regime in landscaped areas;
- restoration of areas affected by construction works;
- details of measures to create new flora and fauna habitats and the management of such habitats;
- a detailed implementation programme;
- a 10 year landscape and associated ecological management plan.

The development shall be completed in accordance with the details agreed.

Reason: In the interests of visual amenity, ecology, and landscape character in accordance with policy GP5 and GP6 of the adopted Local Development Plan.

Pre –operation conditions

14 Prior to the operation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to operation, to minimise risk to both future users of the land, neighbouring land, as well as to controlled waters and ecological systems.

- 15 Prior to the operation of the development, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:
- Details of the methods and triggers for action to be undertaken
 - Timescales for the long-term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required
 - Timescales for submission of monitoring reports to the LPA e.g. annually
 - Details of any necessary contingency and remedial actions and timescales for actions
 - Details confirming that the contingency and remedial actions have been carried out.
- The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Reason: A long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on controlled waters.

- 16 Prior to the operation of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall set out measures to be taken by the operator to reduce vehicular traffic journeys to and from the site, incentives to be offered to staff and visitors to the site to encourage modal shift and reduce traffic emissions, targets to be achieved, a programme/timetable of implementation and actions to be taken if targets are not met. The plan shall also include the appointment of a travel plan co-ordinator, the details (name, role and contact details) of which shall be included in the Plan.

Reason: to secure mitigation measures proposed, facilitate modal shift and limit impacts of traffic and air quality and in accordance with policy SP1 and GP2 and GP4 of the adopted Local Development Plan.

- 17 Prior to first operation of the development hereby approved, a scaled drawing identifying all existing and proposed staff and visitor parking areas and a scheme for the provision of electric charging points in staff/visitor parking spaces shall be submitted to and approved in writing by the Local Planning Authority. This shall include a minimum of 10% charging points compared to parking spaces in the parking areas. All parking shall be completed prior to first operation and the scheme of charging points shall be completed in accordance with the approved details. All such parking and charging points shall be retained thereafter.

Reason: to ensure adequate on site parking spaces are maintained or provided and to encourage the use of ULEV in accordance with policy SP1 of the adopted Local Development Plan.

General conditions

- 18 No piling shall be carried out between July and February (inclusive) to protect the notified bird features of the Severn Estuary Special Protection Area, unless otherwise agreed in writing with the local planning authority.

Reason: To avoid the potential for disturbance of notified features of the SPA where this cannot be controlled through another authorisation.

- 19 No development, (including land raising and demolition if required) shall be carried out other than between the hours of 08.00 and 19.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays. No construction work involving piling shall be carried out on the site other than between the hours of 08.00 and 17.00 Mondays to Fridays and no construction work involving piling shall be carried out on Saturdays, Sundays or Bank Holidays. Prior approval will be required for any construction to take place outside permitted times and on Saturdays Sundays and Bank Holidays.

Reason: To safeguard residential amenity and recreational enjoyment of the nearby RSPB Reserve.

- 20 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

- 21 The primary storage silos shall be constructed in full accordance with the approved plans.
Reason: To ensure the finished base storage level is raised above predicted flood levels modelled in the approved FCA .

- 22 The approved scheme shall be carried out in full accordance with the proposed embedded and proposed additional mitigation measures set out in the Environmental Statement and Technical Appendices unless otherwise required by conditions of this permission.

Reason: To ensure the development protects interests of acknowledged importance.

- 23 No more than 62 HGV movements per day shall enter and leave the site during the operation of the plant outlined in red on the approved site location plan. The applicant shall keep an up to date and legible log of all HGV and delivery traffic accessing and departing from site in association with the operations on the application site and make this log available for inspection by officers appointed by the Council upon request. This log must record the number, type (of vehicle including size), registration number, time and date of each vehicle entering site. The log shall be kept on site by a nominated person to be notified to the Local Planning Authority and for the duration of development activity at the site.

Reason: To safeguard residential amenity and highway safety in accordance with policy SP1, GP2 and GP4 of the adopted Local Development Plan.

- 24 No more than 30 HGV movements per day shall enter and leave the site during the construction phase of the development and these vehicles shall use the vehicle route along Nash Road and West Nash Road hereby approved in association with this development. Such vehicles shall include all those associated with any demolition, site clearance, site preparation, construction, site commissioning or plant conversion works during the construction period. The applicant shall keep an up to date and legible log of all HGV, construction/demolition and delivery traffic accessing and departing from site in association with the development and make this log available for inspection by officers appointed by the Council upon request. This log must record the number, type (of vehicle including size), registration number, time and date of each vehicle entering site. The log shall be kept on site by a nominated person(s) to be notified to the Local Planning Authority and for the duration of development activity at the site.

Reason: To safeguard residential amenity and highway safety and in accordance with policy SP1, GP2 and GP4 of the adopted Local Development Plan.

- 25 All construction and operational HGV traffic shall only use the route hereby approved and shall not access or leave site outside the hours of 0800 to 1900 hours Monday to Friday, 0800 to 1300 hours Saturdays and at no times on Sundays, Bank or Public Holidays.

Reason: To safeguard residential amenity.

NOTE TO APPLICANT

01 This decision relates to plan Nos set out in condition 01.

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

- SP1 Sustainability
- SP2 Health
- SP3 Flood Risk
- SP4 Water Resources
- SP8 Special Landscape Areas
- SP9 Conservation of the Natural, Historic and Built Environment
- SP14- Transport Proposals
- SP18- Urban Regeneration
- GP1 General Development Principles – Climate Change
- GP2 General Development Principles – General Amenity
- GP3 General Development Principles – Service Infrastructure
- GP4 General Development Principles – Highways and Accessibility
- GP5 General Development Principles – Natural Environment
- GP6 General Development Principles – Quality of Design
- GP7 General Development Principles – Environmental Protection and Public Health
- CE2 Waterfront Development
- CE3 Environmental Spaces and Corridors
- CE6 Archaeology
- CE8 Locally Designated Nature Conservation and Geological Sites
- CE9 Coastal Zone
- CE10 Renewable Energy
- T1 Railways
- T2 Heavy Commercial Vehicle Movements
- T3 Road Hierarchy
- T4 Parking
- T7 Public Rights of Way and New Development
- T8 All Wales Coast Path
- W2 Waste Management Proposals
- W3 Provision for Waste Management Facilities in Development

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

04 This application is accompanied by an Environmental Statement.

05 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.

06 We recommend that best practice for vegetation cutting and flail mowing in water vole habitat should not cut below a minimum of 300mm. Cutting/mowing shall be staggered or carried out in an asymmetric pattern across both sides of the channel wherever possible.

07 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

08 It is recommended that the site is registered with the NRW's flood warning service which allow site management to receive automatic alerts in the event flood warning/severe flood warnings are issued. In addition, it is recommended that a Flood Warning and Evacuation Plan (FWEP) is prepared to set out the procedures that site management and site staff should follow in the event a flood warning is issued.

09 Operators of HGV traffic serving the site should be encouraged to join a fleet recognition scheme that promotes cleaner operations for HGVs and Vans e.g. the Free 'EcoStars' fuel economy scheme. If the applicant does participate in such a scheme, we recommend the details are shared with Environmental Health and/or LPA on an annual basis.

APPENDIX A-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. NRW 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 NRW'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 NRW 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 Monitoring – reference¹.

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.

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

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 by NRW 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 by NRW 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 by NRW 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 by NRW 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);
- Twait 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>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</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>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>

FCS component	Supporting information/current knowledge
---------------	--

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

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.

Hydrological processes in the Usk are currently affected by large abstractions, especially at Prioress Mill and Brecon Weir. However, there are many smaller abstractions not considered to cause a problem at present.

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.

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.

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.

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 *Petromyzon marinus* :

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	1 - 5
-----------------------------------	--	---	-------

Attribute	Specified Limits	Comments	Relevant Unit[s]
		or absence of ammocoetes. Where apparently suitable habitat at any site is unoccupied feature condition will be considered unfavourable.	
(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 *Lampetra planeri* and River lamprey *Lampetra fluviatilis* :

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 No reduction in distribution of ammocoetes	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. 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.	2 - 10
(c) Ammocoete density	Optimal habitat: >10m ⁻² Overall catchment mean: >5m ⁻²	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 *Alosa fallax* and Allis shad *Alosa alosa* :

Attribute	Specified Limits	Comments	Relevant Unit[s]
-----------	------------------	----------	------------------

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 *Salmo salar*.

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

Attribute	Specified Limits	Comments	Relevant Unit[s]
(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 *Cottus gobio* :

Performance indicators for feature condition

(a) Adult densities in sampled reaches	No less than 0.2 m ⁻²	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.</p>	<p>Refer to Section 5.9 for current assessment of feature population</p>
<p>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.</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>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>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]
-----------	------------------	----------	------------------

Performance indicators for feature condition

(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

Attribute	Specified Limits	Comments	Relevant Unit[s]
(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

2.

APPLICATION DETAILS

No: 20/0995 **Ward:** Llanwern
Type: Full Application
Expiry Date: 5th February 2021
Applicant: L McCarthy
Site: *Jasminium Station Road Llanwern Newport NP18 2DW*
Proposal: ***ERECTION OF TWO STOREY SIDE EXTENSION AND WIDENING OF EXISTING ACCESS (RESUBMISSION OF 20/0643)***

Recommendation: REFUSED

1. INTRODUCTION

- 1.1 This application seeks consent for the erection of a two-storey side extension and the widening of an existing access at Jasminium. The property is a semi-detached dwelling located within the Llanwern ward.
- 1.2 There have been 3no applications submitted at the site for the erection of a two-storey side extension and widening of the existing access, all of which have been refused. The initial scheme (19/0963) sought consent for a two-storey side extension that measured a width of 6.3m and a depth of 4.4m. In the front elevation, fenestration consisted of a glazed front gable and a single horizontally emphasised window at ground floor. The ground floor window did not match the scale or design of existing windows. The following scheme (20/0031) showed a slight reduction in the scale of the extension, resulting in it measuring a width of 6m and a depth of 4.15m. Fenestration in the front elevation consisted of a glazed front gable. No openings were proposed at ground floor. Following the refusal of planning application 20/0031, a subsequent application was submitted (20/0643) which saw the extension being increased in size from the previous proposal. Planning application 20/0643 was for an extension of the same scale and design as the application that was refused planning permission in 2019 (19/0963). All schemes were refused in relation to design as it was considered that the extension would result in a bulky and unsympathetic addition to the property that would have a detrimental impact on the character and appearance of the host dwelling and surrounding streetscape, contrary to policies GP2 and GP6.

2. RELEVANT SITE HISTORY

96/0356	FIRST FLOOR EXTENSION	REFUSED – APPEAL DISMISSED
19/0963	ERECTION OF TWO STOREY SIDE EXTENSION AND WIDENING OF EXISTING ACCESS	REFUSED
20/0031	ERECTION OF TWO STOREY SIDE EXTENSION AND WIDENING OF EXISTING ACCESS (RESUBMISSION OF 19/0963)	REFUSED
20/0643	ERECTION OF TWO STOREY SIDE EXTENSION AND WIDENING OF EXISTING ACCESS (RESUBMISSION OF 20/0031)	REFUSED

3. POLICY CONTEXT

- 3.1 Policies GP2 (General Amenity), GP4 (Highways and Accessibility) and GP6 (Quality of Design) of the Newport Local Development Plan 2011 – 2026 (adopted January 2015) are relevant to the determination of this application as is the ‘house extensions and domestic outbuildings’ supplementary planning guidance (SPG) (adopted January 2020).

4. CONSULTATIONS

- 4.1 None.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF CITY SERVICES (HIGHWAYS): Objection on highway safety grounds.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All neighbours with a common boundary and opposite (3no properties) were consulted and no comments were received.

- 6.2 COMMUNITY COUNCIL: No comments to make.

7. ASSESSMENT

- 7.1 The proposed extension would measure a width of 6.325m, a depth of 4.458m, an eaves height of 3m and a ridge height of 5.3m. Fenestration would consist of a first floor glazed front gable and 2no ground floor windows in the front elevation, 1no first floor window and ground floor bi-fold doors in the side elevation and 1no ground floor window in the rear elevation. There is an existing access to the south of the site. It is proposed to widen the access by 1.8m.

- 7.2 The site is located within the defined Llanwern Village boundary, albeit on the periphery, and there is an element of rural character in the area. There are a number of dwellings in the area surrounding the property of mixed architectural styles. The property is a modestly sized semi-detached bungalow. Based on the appearance of the pair of semis, it is anticipated that the property has previously been extended to the side and a porch added. This is likely to have taken place over 20 years ago. Whilst the other semi has also been extended, the extensions do not match. The proposal would add a further relatively large addition to the side of the property and further elongate the linear form of the semi-detached bungalows.

- 7.3 The House Extensions and Domestic Outbuildings SPG states that ‘insensitively designed side extensions harm the townscape in two important ways. First, as well as distorting the front elevations of individual houses, they eliminate lines of symmetry in pairs of semi-detached houses. Second, they fill spaces between buildings, changing the pattern of development in an area. Such spaces are valuable because they create a visual rhythm of solids and voids. In so doing, they help to puncture the built environment, preserving a sense of light and space at street level.’ The SPG also states that a two-storey side extension should be ‘set back at least 1m from the original front elevation of the existing building. Such a setback will reduce the visual impact on an extension, helping to maintain the character and appearance of both the original dwelling and the streetscape.’ The proposed extension would be setback 0.15m from what is understood to be the original front elevation of the property. Whilst there is an element of setback, it is considered that this is not adequate and combined with the overall width of the extension would result in the extension appearing as a bulky and visually prominent addition to the property. It is proposed that the extension would be set down 0.25m from the roof ridge of the host dwelling. Whilst there is a set down proposed, as the extension would also be set down in the garden further than the host dwelling, the extension would appear large and out of character with the existing property and the large glazed gable is unsympathetic.

- 7.4 The property benefits from a reasonably sized curtilage, but lacks depth so the extension would have limited set back from the highway. The host dwelling is a moderate single storey property and so it is considered that the erection of a two-storey side extension of this scale would result in an addition that would not appear proportionate and subservient to the host dwelling and would be unduly dominant and unsympathetic. There is a highly glazed gable end proposed on the front elevation of the extension and it is considered that its size and proportions are out of keeping with the character of the property and would appear as an awkward and unsympathetic addition to the front elevation that is highly visible from the streetscape. The SPG states that ‘the fenestration in an extension should replicate the

proportions and details of windows in the existing building.’ It is proposed to insert 2no small windows at ground floor in the front elevation of the extension that would match the scale and design of the window in the porch. Notwithstanding this, the windows appear awkward as they are not aligned with the windows in the existing property. Overall, it is therefore considered that the extension by reason of its location, scale and design would result in a bulky and unsympathetic addition to the property that would not be in keeping with the character of the property and surrounding area resulting in a detrimental impact on visual amenity contrary to policies GP2 and GP6. In terms of amenity, by reasons of its scale and location it is considered that the proposal would not result in a harmful impact on the amenity of neighbouring occupiers by means of loss of privacy, loss of light and overbearing impact.

- 7.5 The existing property benefits from 2no bedrooms with the extension increasing the number of bedrooms to 3no. In accordance with the Council’s Parking Standards SPG, the property would result in an increase in parking demand of 1no space. The property benefits from two parking areas, to the front and side of the property. The parking area to the front of the property could accommodate 1no parking space. It is proposed to widen the existing access that leads to the off street parking area to the side of the property and to increase the size of the area of hardstanding. This area would be able to accommodate the additional 2no off street parking spaces. As such, the property would benefit from adequate off street parking provision in accordance with the Parking Standards SPG. With regard to the widening of the access, the Council’s Highways Officer was consulted on the proposal and stated that ‘the site is bounded by hedgerows with no footways, which provides zero vehicular visibility from the existing access onto Station Road which is not acceptable in this location on a busy local access route opposite the junction of Station Road with Bishton Road. The existing access is in an unacceptable location and is therefore unacceptable for intensification without the provision of visibility splays.’ Notwithstanding the comments raised by the officer, it is considered that as the access is an existing access that would serve a similar use, it is considered acceptable. It is also proposed to increase the size of the hardstanding in the site, providing more space for manoeuvrability.

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.

8.5 *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.

8.6 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 proposal by reason of its location, scale, fenestration detailing and design would result in a bulky and unsympathetic addition to the property. It will have a detrimental impact on the character and appearance of the host dwelling and the surrounding area contrary to policies GP2 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

10. RECOMMENDATION

REFUSED

01 The proposal by reason of its location, scale, fenestration detailing and design would result in a bulky and unsympathetic addition to the property. It will have a detrimental impact on the character and appearance of the host dwelling and the surrounding area contrary to policies GP2 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) and the 'House Extensions and Domestic Outbuildings' Supplementary Planning Guidance (SPG) (adopted January 2020).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Existing Floor Plans and Elevations Drawing No.[PP]01, Proposed Floor Plans and Elevations Drawing No.[PP]02, Site Block Plans Drawing No.[PP]03A and Site Location Plan Drawing No.[PP]04.

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

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

04 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.

3.

APPLICATION DETAILS

No: 20/1110 **Ward:** Beechwood

Type: Full Application

Expiry Date: 3rd February 2021

Applicant: Mr Barnes

Site: 9 Batchelor Road Newport NP19 8GU

Proposal: **CHANGE OF USE FROM A DWELLING TO SIX PERSON HOUSE IN MULTIPLE OCCUPATION (C4 USE)**

Decision: **GRANTED WITH CONDITIONS**

1. INTRODUCTION

1.1 This application seeks consent for the change of use of a single residential dwelling to a 6no. bedroom House of Multiple Occupation (HMO). The property consists of 7no. bedrooms set across 3 floors (including attic rooms) at the mid terrace property at 9 Batchelor Road in the Beechwood ward.

2. RELEVANT SITE HISTORY

None.

3. POLICY CONTEXT

- 3.1 Policies GP2 (General Amenity), GP4 (Highways and Accessibility), GP6 (Quality of Design), GP7 (Environmental Protection and Public Health), T4 (Parking) and H8 (Self Contained Accommodation and Houses in Multiple Occupation) of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) are relevant to the determination of this application.
- 3.2 Policy GP2 (General Amenity) states: development will be permitted where, as applicable:
- i) There will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;
 - ii) The proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;
 - iii) The proposal seeks to design out the opportunity for crime and anti-social behaviour;
 - iv) The proposal promotes inclusive design both for the built development and access within and around the development;
 - v) Adequate amenity for future occupiers.
- 3.3 Policy GP4 (Highways and Accessibility) states: development proposals should:
- i) Provide appropriate access for pedestrians, cyclists and public transport in accordance with national guidance;
 - ii) Be accessible by a choice of means of transport;
 - iii) Be designed to avoid or reduce transport severance, noise and pollution;
 - iv) Make adequate provision for car parking and cycle storage;
 - v) Provide suitable and safe access arrangements;
 - vi) Design and build new roads within private development in accordance with the highway authority's design guide and relevant national guidance;
 - vii) Ensure that development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network.

- 3.4 Policy GP6 (Quality of Design) states: good quality design will be sought in all forms of development. The aim is to create a safe, accessible, attractive and convenient environment. In considering development proposals the following fundamental design principles should be addressed:
- i) Context of the site: all development should be sensitive to the unique qualities of the site and respond positively to the character of the area;
 - ii) Access, permeability and layout: all development should maintain a high level of pedestrian access, connectivity and laid out so as to minimise noise pollution;
 - iii) Preservation and enhancement: where possible development should reflect the character of the locality but avoid the inappropriate replication of neighbouring architectural styles. The designer is encouraged to display creativity and innovation in design;
 - iv) Scale and form of development: new development should appropriately reflect the scale of adjacent townscape. Care should be taken to avoid over-scaled development;
 - v) Materials and detailing: high quality, durable and preferably renewable materials should be used to complement the site context. Detailing should be incorporated as an integral part of the design at an early stage;
 - vi) Sustainability: new development should be inherently robust, energy and water efficient, flood resilient and adaptable, thereby facilitating the flexible re-use of the building. Where existing buildings are present, imaginative and sensitive solutions should be sought to achieve the re-use of the buildings.
- 3.5 Policy GP7 (Environmental Protection and Public Health) states: Development will not be permitted which would cause or result in unacceptable harm to health because of land contamination, dust, instability or subsidence, air, heat, noise or light pollution, flooding, water pollution, or any other identified risk to environment, local amenity of public health and safety.
- 3.6 Policy T4 (Parking) states: Development will be required to provide appropriate levels of parking, within defined parking zones, in accordance with adopted Parking Standards.
- 3.7 Policy H8 (Self Contained Accommodation and Houses in Multiple Occupation) states: within the defined settlement boundaries, proposals to subdivide a property into self contained accommodation, bedsits or a house in multiple occupation will only be permitted if:
- i) The scale and intensity of use does not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on street parking problems;
 - ii) The proposal does not create an over concentration of houses in multiple occupation in any one area of the city which would changed the character of the neighbourhood or create an imbalance in the housing stock;
 - iii) Adequate noise insulation is provided;
 - iv) Adequate amenity for future occupiers.
- 3.8 The Houses in Multiple Occupation (HMOs) Supplementary Planning Guidance (Updated January 2017) and the Parking Standards Supplementary Planning Guidance (Adopted August 2015) are also relevant to the determination of this application.

4. CONSULTATIONS

- 4.1 GWENT POLICE: No response.

5. INTERNAL COUNCIL ADVICE

- 5.1 THE HEAD OF CITY SERVICES (HIGHWAYS):

The site is located on Batchelor Road, a residential road with a 30mph speed limit. The site has no off-street parking and therefore no vehicular access.

The site is located in Parking Zone 3 which will require that 1 parking space per bedsit and 1 visitor space is provided to comply with Newport City Council SPG Parking Standards (August 2015), a total of 7 parking spaces. The existing dwelling has 7 bedrooms which

requires that 3 parking spaces are provided to meet the needs of the development. The proposals will therefore generate an additional parking demand of 4 spaces.

A parking survey has been submitted by the applicant which demonstrates that sufficient on street parking spaces were available in the area to accommodate the additional 4 spaces and the application will therefore be acceptable.

I would therefore offer no objection to this application on highway grounds

5.2 THE HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH): I confirm I have no objections to the proposals.

However, as the proposed development is for six or more residents, I understand this changes the purpose group for which the building was intended. Therefore, please ensure that the Council Building Control Department are consulted to ensure there is adequate sound insulation in the building to minimise structural and airborne noise, in accordance with Approved Document E. I have not commented as I assume that Building Control will ensure that the Building Regulations, Approved Document E is applied.

Also there is a lack of information regarding the waste storage and recycling facilities that will be provided to the proposed residential accommodation. Therefore, either additional information is required or the following condition is recommended:

Waste Storage and recycling

Prior to first beneficial use, a scheme for the provision of waste storage and recycling shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first beneficial use and thereafter maintained for the duration of the use.

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

5.3 THE HEAD OF LAW AND REGULATION (HMO) I can confirm that based on the new proposed floorplans, we would support the use of the property as a six person house in multiple occupation. This is provided the points below are taken into consideration and the property achieves the standards expected for a house in multiple occupation licenced by Newport City Council (attached).

- The kitchen must contain suitable facilities for 6 persons.
- Ensure the ensuites in room 1 and 2 are both provided with wash hand basins.
- Ensure there is a suitable door on the entrance to room 6.
- Appropriate fire safety precautions must be present.
- Each ensuite will require suitable mechanical ventilation where there is no openable window within the room itself.
- All rooms including ensuites must be provided with a suitable fixed form of heating.
- Suitable waste management arrangements must be in place upon occupation as a HMO.

If it is intended for the dwelling to be converted into a House in Multiple Occupation under the Housing Act 2004, Part 2, where it will be occupied by more than two households, the most appropriate person (usually the landlord/owner of the property) should apply to the Environmental Health Housing Team on 01633 656656 or hmo@newport.gov.uk for a [HMO licence](#).

In addition to HMO Licensing, private landlords are required by the Housing (Wales) Act 2014 to be registered. Also private landlords who undertake letting and management activities or their managing agents, will need to obtain a licence from Rent Smart Wales and undergo training. For further information contact the Licensing Authority; Cardiff City Council, Rent Smart Wales, PO Box 1106, Cardiff CF11 1UA, Tel No: 03000 133344, website www.rentsmartwales.gov.wales

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All neighbours within 50m of the site (53no. Properties) have been consulted and a site notice posted. Nine letters of objections have been received objecting to the proposals for the following reasons:
- Lack of parking and increased strain/demand in on-street parking
 - Issues due to disturbance and little regard for maintaining a clean and tidy immediate environment.
 - Creation of increased noise and parking difficulties.
 - At least a 3rd of the roads parking facilities are used by residents living on Chepstow road, this is due to the lack of parking facilities and these residents do not have the ability to park outside their own house/flat.
 - Batchelor road is also used by parents dropping and collecting of their children from Eveswell school, this means that parking is extremely difficult.
 - Impact on value of the property and deter future buyers
- Increased coming and goings twenty-four hours of the day leading to more disruption and noise.
- Lack of care and respect for surroundings from rented houses
 - Antisocial Behaviour in the form of music and inconsiderate/antisocial behaviour late at night and into the early hours.
 - Potentially six extra refuse containers left out on the pavement

- 6.2 COUNCILLORS BERRY, DAVIES AND SPENCER: The intention is to create a 6 bedroom house of multiple occupation (HMO) and we are in opposition to this development being approved.

Our concerns are as follows:

There are already a large number of existing HMOs already within this immediate vicinity, along with flats or bedsits which have been created from C3 dwellings being subdivided. This has led to a high density of residents living within a small area, often comprising of single people. The change in the demographics of those living in this immediate vicinity has no doubt led to a reduction of children therefore attending the local school. Fortuitously the school remains full as its catchment area spreads across a large area of Maindee. The reduction in the number of families living in this specific area is really tangible when you knock on doors and speak to residents and I'm certain the ward profile, along with census data reflects this. With the increase in a transient population living within the area, what is lost is the sense of ownership and pride for where you live. There needs to be a balance of family homes alongside HMOs and flats to ensure a sense of community is sustained. We are seeing approval being given to HMO's, on appeal, without this key issue being taken into consideration and consequently the number that are being created in this area are incrementally increasing. This must be taken into account. I am keen to know exactly how many HMO's have been approved in the last fifteen years on the roads surrounding and on Chepstow Road within this immediate vicinity?

Additionally parking is major issue and I yet again challenge the parking survey that has been completed at the behest of a property developer. I remain concerned that this not an independent analysis and I would request that the evidence provided is scrutinised carefully.

I can see that the highways officer has identified that seven parking spaces would be required. It has to be noted that there are already five existing disabled parking bays within the street and whilst it would have been appropriate these have been allocated this immediately reduces the number of spaces for other residents within the street. Residents from Chepstow Road and surrounding areas where there are double yellow lines will also park here. Parking is always a contentious issue but as this street is already densely

populated, as is St Johns Road, parking is at a premium, especially in the evening. I would support the many residents who rely on their vehicles to get and from work, as many commute to a workplace that is outside our city centre and need somewhere to park their car.

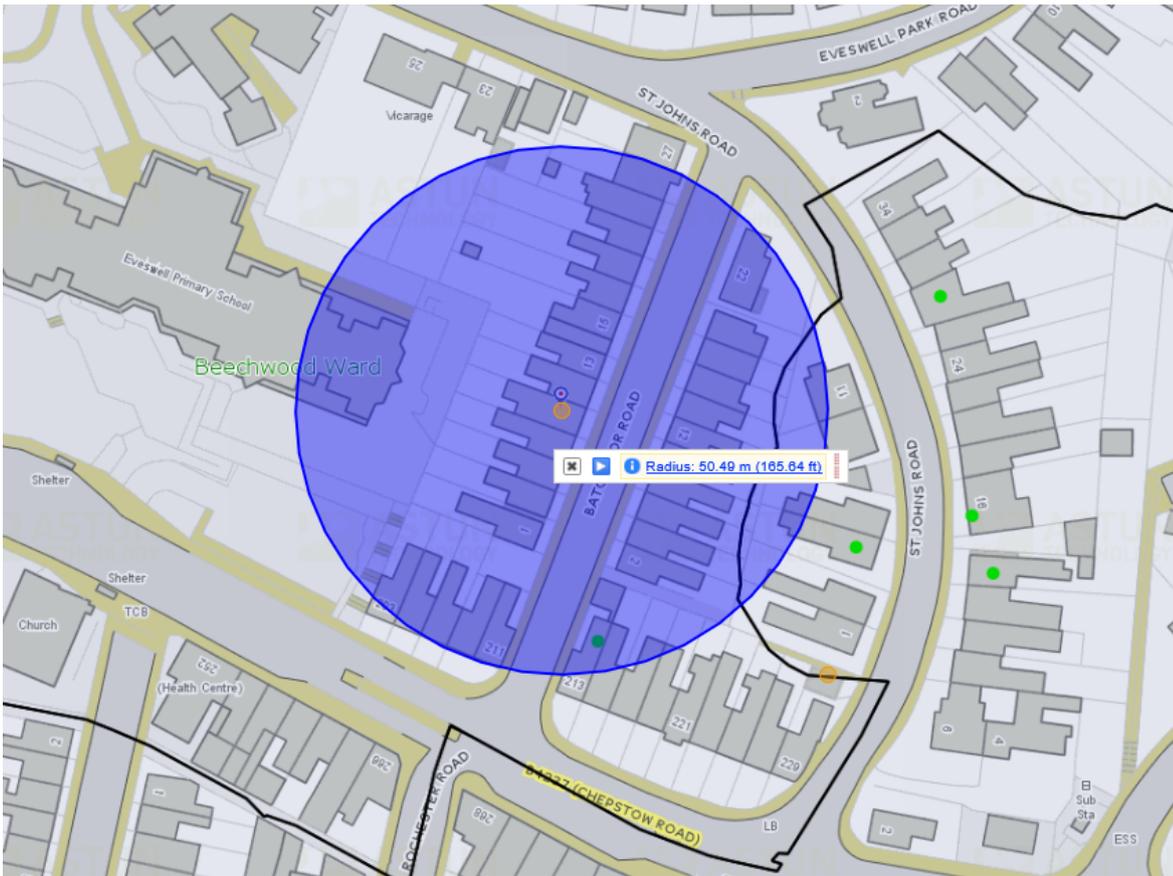
I would request that this is brought to the planning committee for consideration.

7. ASSESSMENT

- 7.1 This application seeks planning permission for the change of use of 7no. bedroom residential dwelling (C3 Use) to a 6no. bedroom House of Multiple Occupation (HMO) (C4 Use). The property consists of a 7no. bedroom residential property at 9 Batchelor Road in the Beechwood ward.
- 7.2 A HMO is a house occupied by people who are usually unrelated and have private bedrooms but shared facilities such as kitchens, living areas and bathrooms. The proposed 6no. bedroom HMO falls into the C4 Use Class which allows between 3 and 6no. unrelated occupants to reside and share amenities.
- 7.3 The site is located in the middle of a terrace of 14no. properties on Batchelor Road, one of the subsidiary roads off Chepstow Road. The property is a two storey property including loft conversion that currently consists of 2no. bedrooms, kitchen and utility room to the ground floor, 3no. bedrooms and bathroom to the first floor and 2no. bedrooms and toilet to the loft. The property fronts onto Batchelor Road, with a garden/amenity area to the rear of the property.
- 7.4 The proposed layout would comprise of 2no. bedrooms with en-suite bathrooms and a combined kitchen, dining area and living room to the ground floor, 3no. bedrooms all with en-suite bathrooms at first floor level and 1no. bedroom with en-suite bathroom to the loft. There are no external alterations proposed to the property. The property does not benefit from off street parking, and has a rear garden to provide outdoor amenity space.
- 7.5 The main considerations of this application are the potential impacts of the change of use on the character and amenity of the surrounding area and neighbouring properties and the impact on parking provision and highway safety. Policies GP2 (General Amenity), GP4 (Highways and Accessibility), GP6 (Quality of Design), GP7 (Environmental Protection and Public Health), T4 (Parking) and H8 (Self Contained Accommodation and Houses in Multiple Occupation) of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) are relevant to the determination of this application. As are the Houses in Multiple Occupation (HMOs) Supplementary Planning Guidance (Updated January 2017) and the Parking Standards Supplementary Planning Guidance (Adopted August 2015).

Impact on Character of the Area

- 7.6 The Newport City Council Supplementary Planning Guidance on Houses in Multiple Occupation (adopted August 2015, updated January 2017) and Policy H8 (Self Contained Accommodation and Houses in Multiple Occupation) seek to avoid clusters of HMOs as they can alter the composition of a community and detract from local visual amenity. The SPG also states that the Council will not support a planning application that would take the number of HMOs above 10% within defined areas, measured within a 50 metre radius of the application property. Within this radius there are 27 dwellings, with 0 of the properties currently licensed as HMOs. If this application was granted, it would result in a concentration of 3.7% (below the 10% threshold in the adopted SPG). There are 2no. HMOs whose curtilage falls within the 50m radius, however as the principal elevation does not fall within the radius, the properties are not counted within the figures.



7.7 An internal research paper (unpublished) was prepared by Newport Council’s planning team to evaluate any evidence of harm caused by concentrations of HMO’s within the city. The number of HMO’s was compared to the actual number of households within a defined geographical area, namely lower layer super output areas (LSOA), which are used for the Census. Information was pulled together relating to complaints linked to licenced HMO’s and crime rates within these areas.

7.8 The site falls within the LSOA of Beechwood 1 (W1001612), but Beechwood 2 (W1001613) is within 40 metres of the site. The Beechwood 1 LSOA ranks 12th highest out of 44 LSOAs in terms of HMO concentration, 10th highest in terms of complaints received and 29th highest in terms of recorded crime, resulting in a medium level of HMO concentrations, complaints received and crime recorded.

	HMO concentrations	Complaints received	Recorded crime
Beechwood 1 (W1001612)	12th (of 44)	10	29
Beechwood 2 (W1001613)	20	16	40

7.9 In summary, the proposal would not result in a concentration in excess of the 10% limit specified in the SPG, within an LSOA that has below average HMO concentration. Whilst it is acknowledged that the number of complaints are in the upper range of the results it is considered that there is not enough evidence to demonstrate that the approval of this

application would lead to an over concentration of HMOs in the area, or result in any adverse harm on the residential character of the surrounding area. It is therefore considered that the proposal complies with the aims of Policy H8 and GP2 of the NLDP 2011-2026 (adopted January 2015) and the Supplementary Planning Guidance on Houses in Multiple Occupation (adopted August 2015, updated January 2017).

Residential Amenity

- 7.10 The property currently benefits from 7no bedrooms (however as there is no lounge/dining room shown on the existing floor plans it could be contended that the property is a 5no bedroom dwelling) it is therefore considered that given the size of the property, the scale is appropriate for a use as a 6no bedroom HMO. Notwithstanding this, the HMO SPG states that 'HMO's should provide outdoor amenity space in which residents can relax, dry their clothes and store refuse and recycling bins. Shared amenity spaces will be acceptable so long as they can accommodate every resident of the properties they serve.' The proposal offers 6 large en-suite bedrooms and an open plan kitchen/dining and communal area. An external amenity area is provided to the rear of the property that will be accessible for residents and there is considered to be sufficient room for cycle parking and refuse storage. The Council's Head of Regeneration and Regulatory Services (Public Protection) was consulted on the proposal and stated that they have no objection to the proposal subject to a condition being attached to any consent requiring a scheme for the provision of waste storage and recycling be submitted to and approved by the LPA. The HMO licensing team were also consulted on the proposal and originally raised concerns as there was no communal lounge proposed, as such the property would consist of bedsits, bedroom 5 did not meet the minimum room size for a single person (10m²), and the kitchen alone did not meet the room size required for 6 persons (15m²). As a result of these comments the floor plans were amended to include an open plan communal kitchen/dining room/lounge, the kitchen was made larger and bedroom 5 was increased in size so that it would meet the minimum room size. As a result, the HMO licensing team confirmed they have no objections to the proposal.

Highway Safety and Parking

- 7.12 In accordance with the Newport City Council Parking Standards the proposed 6 bed HMO generates a parking demand of 6 residential spaces plus 1 visitor space. a total of 7 parking spaces. The existing dwelling is stated to have 7 bedrooms which requires that 3 parking spaces are provided to meet the needs of the development although even if the dwelling, in reality has 5 or 6 bedrooms at present, the parking expectation for the dwelling would still be 3 spaces. The proposals will therefore generate an additional parking demand of 4 spaces. The property does not currently benefit from any off-street parking and it is not proposed to create any as part of this application. There are no parking restrictions in the immediate vicinity of the site, apart from the 5no. disabled bays on Batchelor Road. The applicant has provided a parking survey with the application that demonstrates that within a two-minute walk (200 metres) of the application site (on Batchelor Road, St John's Road and a portion of Chepstow Road) sufficient on street parking spaces were available in the area to accommodate the additional 4 spaces. The peak average stress within the survey area was at 73% which means out of the 86 parking spaces available 63 were in use with 23 spaces remaining available. Officers have undertaken site visits to observe the availability of on street parking within the vicinity of the property and the survey area. During the day time a fair level of availability was observed on Batchelor Road, however during the evening there was little/no available parking. However during both daytime and evening there was a sufficient level of availability, particularly on St Johns Road. Observations were therefore broadly considered to be in line with that shown within the submitted parking survey, and sufficient on street parking spaces were available.

7.13 The site is considered to be located within a sustainable location, with the Maindee District Centre and Beechwood District Centre both being within a 400m walk of the application site. Given the location of the property being within close proximity to district centres and other amenities such as a school and pharmacy, this allows for the maximum reduction of 2no spaces in accordance with the Parking Standards SPG. Therefore, the Council concludes that the area is within a sustainable location. It is considered that a lack of off street parking such as this is not proven to be a robust reason to refuse planning permission following various appeal decisions, particularly for HMOs in sustainable locations. Inspectors assume that car ownership in HMO properties will be lower and most notably in sustainable locations such as this. Whilst officers consider there to be no evidence to support such a conclusion, Inspector's nevertheless cite this in their decisions on comparable schemes. It is considered that given its sustainable location and as the applicant has provided a parking survey demonstrating that sufficient on-street parking exists within a 2-minute walk (200metres) of the application site, the lack of off street parking would not be a robust reason to refuse planning permission, and it is considered that the proposal is in accordance with Policy GP4 of the NLDP 2011-2026 (adopted January 2015).

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.

8.5 *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.

8.6 *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 change of use to a 6 bedroom HMO would not result in an over concentration of HMO's in this part of Beechwood or on Batchelor Road and as such there would not be an adverse impact on the residential character and appearance of the surrounding area. It is considered that there would not be a harmful impact on highway safety or residential amenity. The proposal would be in accordance with policies GP2, GP4, GP6, GP7, H8 and T4 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the Houses in Multiple Occupation SPG (adopted January 2017).

9.2 The application is granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Site Location Plan, Existing Floor Layouts of 9 Batchelor Road, Proposed Floor Layouts of 9 Batchelor Road Rev A (received 8th December 2020) Parking Survey (Dated September 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

General Conditions

02 The property shall have a maximum of six bedrooms and six occupants.

Reason: To protect the amenity of adjoining occupiers, highway safety and in the interests of flood risk safety in accordance with Policy GP2 and GP4 of the NLDP 2011-2026 (adopted January 2015).

Pre-Occupation Conditions

03 Prior to first occupation of the development hereby approved, a scheme for the provision of waste storage and recycling 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: In the interests of amenities in accordance with Policy GP2 of the NLDP 2011-2026 (adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan, Existing Floor Layouts of 9 Batchelor Road, Proposed Floor Layouts of 9 Batchelor Road Rev A (received 8th December 2020) and Parking Survey (Dated September 2020).

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

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

04 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.

4.

APPLICATION DETAILS

No: 20/0696 **Ward:** Rogerstone

Type: Full (Major)

Expiry Date: 21st July 2021

Applicant: *DSI Ltd*

Site: *Ye Olde Oak Stave Ruskin Avenue Rogerstone Newport South Wales*

Proposal: **DEMOLITION OF EXISTING PUBLIC HOUSE AND CONSTRUCTION OF 21NO. FLATS WITHIN 3NO. BLOCKS AND ASSOCIATED INFRASTRUCTURE WORKS**

Recommendation: **GRANTED WITH CONDITIONS AND SUBJECT TO A s106 AGREEMENT WITH DELEGATED POWER TO REFUSE THE APPLICATION IF THE s106 AGREEMENT IS NOT SIGNED WITHIN 4 MONTHS OF THE COUNCIL'S RESOLUTION TO GRANT PLANNING PERMISSION**

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the construction of 21 no. flats which would be provided across three apartment blocks; and associated infrastructure works, including car parking.
- 1.2 The site includes the building, land and car park associated with the former Olde Oak Stave on Ruskin Avenue, Rogerstone. It is proposed to demolish the existing former pub building.
- 1.3 The application is brought before Planning Committee as it constitutes major development.

2. RELEVANT SITE HISTORY

03/1726	ERECTION OF TIMBER DECK TO PROVIDE BEER GARDEN WITH DISABLED RAMPED APPROACH TO CAR PARK	Granted
14/0336	DEVELOPMENT OF 10NO. APARTMENTS AND ASSOCIATED WORKS	Refused
16/0350	RETENTION OF FORMER SMOKING SHELTER TO OFFICE (A2) AND ASSOCIATED ALTERATIONS	Granted with conditions
19/0587	DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF 6NO. 4 BEDROOM RESIDENTIAL DWELLINGS, INCLUDING ACCESS, PARKING, LANDSCAPING, BIN STORGE AND ALL ASSOCIATED WORKS	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 **SP13 Planning Obligations** enables contributions to be sought from developers that will help deliver infrastructure which is necessary to support development.

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

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

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 **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.

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 are also relevant:

- Sustainable Travel
- Wildlife and Development
- New Dwellings
- Waste Storage and Collection
- Parking Standards
- Trees, Woodland, Hedgerows and Development Sites.

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 DWR CYMRU – WELSH WATER: We can confirm capacity exists within the public sewerage network in order to receive the foul only flows from the proposed development site. No problems are envisaged with the Wastewater Treatment Works for the treatment of domestic discharges from this site.

4.2.1 The development requires approval of Sustainable Drainage Systems (SuDS) features. It is recommended that the developer engage in consultation with the determining SuDS Approval Body (SAB). Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

4.2.2 The proposed development is crossed by a trunk/distribution watermain. Dwr Cymru Welsh Water has statutory powers to access our apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site. A 3m easement from the crown of the main in both directions should be observed and the ground cover above the main should not be changed.

4.3 REGIONAL AMBULANCE OFFICER: No response.

4.4 HEDDLU – GWENT POLICE: I have previously commented at the pre planning stage and am pleased to see that my comments concerning lack of surveillance have been addressed, and there are more habitable rooms now overlooking the parking areas, along with the introduction of CCTV. Ideally, communal parking should be avoided where ever possible as this can mean an increase in potential criminal damage to vehicles. Where this can not be avoided I would look to see a change in road surfaces to the entrance to the communal parking and clear signage indicating that it is private and for residents only.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF CITY SERVICES (HIGHWAYS): Highways do not object to the application. The application site is found within a residential area, as such highway considerations are mainly given over the personal safety, sustainability of the site, access, parking and the vehicle trip impact.

Safety

5.1.1 The highway collision history of the area has been reviewed, the area in general is deemed to have a low incident record, therefore no highway improvements are proposed.

Sustainability

5.1.2 The area is well served by local public amenities and transport services that link the site to local and distant services, that can be reached by walking, cycling, public transport or a combination of these. To encourage cycle use, the applicant will provide secure cycle storage facilities. Overall the site is considered acceptable in sustainability terms.

Access

5.1.3 The site will use two access points for vehicles, these are off Squires Gate and the service road found to the north of the site. To ensure service vehicles can use these accesses, the applicant has provided swept path analysis diagrams, that show that a refuse vehicle can enter and leave the site in a forward gear. Both accesses are considered suitable for their intended uses.

Parking

5.1.4 Car parking provision for the proposed development will be provided in accordance with Newport City Council Parking Standards August 2015. A total of 53 spaces will be available on site. This will ensure that the development should not generate unacceptable on-street parking.

- 5.1.5 Each accommodation block will have an area set aside to facilitate the secure covered storage of cycles. This will encourage residents to use a cycle as a means of transport.

Vehicle Trip Impact

- 5.1.6 The proposed development of 24 apartments will increase vehicular trips in the area. However, the impact the additional trips will have is not considered to be unacceptable.

Construction Phase

- 5.1.7 The construction phase will generate HGV trips, sights and sounds that are not generally linked to a residential area. It is recommended that a Construction Environmental Management Plan is put in place, that helps manage the impact of the construction and staff vehicles.

- 5.2 HEAD OF CITY SERVICES (ECOLOGY): I am pleased to see that the landscaping plan has been updated to include areas of wildflowers around the car park and seed mix suitable for wet areas to be used in swales.

- 5.2.1 To ensure that the landscape scheme is appropriately implemented and managed to deliver the benefits to biodiversity, a management plan is required to provide the details of how and when the landscaping will be delivered and who is responsible for it. A pre-commencement condition would be suitable to secure this information.

- 5.2.2 The other biodiversity features to replace bird and bat opportunities have been transferred to the updated plan. If you are minded to grant this permission the drawing should be listed on the approved plans list and they should be secured with a condition.

- 5.3 HEAD OF CITY SERVICES (LANDSCAPING): The landscaping proposal demonstrates an attractive and welcoming scheme. Some minor points, require clarification:

1. Requested as part of pre-app landscape management plan has not been found. The management plan should cover the maintenance of the SUDS features including swales and rain gardens.

2. Some proposed trees are located within small areas. It is likely that the sufficient tree root volume will not be provided. The use of underground crate system may be considered.

3. Tree pit sections are required, to include 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.
- Avenue tree planting.
- Tree planting in soft landscape planting or grass.

4. SUDS features and drainage design details should be in line with the landscape strategy. Can landscape architect check the drainage details?

5. Proposed swale design detail from provided DRAINAGE CONSTRUCTION DETAILS show that the 300 mm deep mulch is used for the swale design. Can the type of growing medium for the swale be clarified?

6. For the raingarden Type 1 and raised planter the depth of topsoil is proposed as 150 mm. Some concerns remain, as the depth may be insufficient for successful plant establishment. Are there any ways to increase the depth of topsoil?

- 5.4 HEAD OF CITY SERVICES (TREE OFFICER): No objections, subject to conditions to prevent the felling of any existing trees, the submission of a tree protection plan, the use of root protection barriers and the appointment of an arboriculturalist.

- 5.5 HEAD OF CITY SERVICES (DRAINAGE): No response.

- 5.6 HOUSING STRATEGY MANAGER: No response.

- 5.7 PLANNING CONTRIBUTIONS MANAGER: Sets out the contributions required in accordance with policies SP13 and H4; and the Affordable Housing and Planning Obligations SPG's.

- 5.8 HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH): No objection subject to conditions requiring a Construction Environmental Management Plan, a restriction on the

hours of construction and the investigation and remediation of any unforeseen contamination.

- 5.9 PLANNING POLICY: Overall, the proposal is supported in principle. The proposal provides residential development on a brownfield site within the urban boundary. This support is subject to the application meeting relevant policy requirements such as planning obligations, air quality, design, ecology and landscape matters.
- 5.9.1 In terms of the request for an updated report on the provision of an update to criterion ii) of policy CF12. This is a matter of satisfying a development plan policy and national policy is clear that planning's role is to look at the long term impacts from development, even in the light of the current situation. The previous application did have a relatively recent assessment which does satisfy policy.
- 5.9.2 The provision of passive infrastructure for electric vehicles is welcomed and is considered to aid in the mitigation of the impact of development.
- 5.10 HEAD OF CITY SERVICES (ACTIVE TRAVEL): Objection on the basis that provisions for cycling have not been fully considered. The site sits in the vicinity of Active Travel route NP-ROG-C007 (NCN Route 47) which utilises the Monmouthshire Brecon Canal tow path and provides numerous opportunities for local residents to carry out convenient off road cycle journeys to numerous locations along its route. Therefore, provisions to encourage cycling should be at the forefront of this development to ensure greater uptake of this sustainable means of transport.
- 5.10.1 Cycle Storage: Providing adequate storage space for cycles is an important part of encouraging sustainable travel. The provision of appropriate storage and parking will assist in getting more people to use a cycle to travel and help reduce car dependency. The provision for cycle storage does not appear to conform to the minimum standards set out in the Sustainable Travel SPG for both long and short stay requirements.
- 5.10.2 Each long-stay cycle parking space for staff and residents should be located in a safe, convenient and accessible place suitable for everyday long-stay use; long-stay parking should be secure, covered, well-lit and have CCTV where practical/ feasible (see Active Travel (Wales) Act 2013 – Design Guidance). Short-stay cycle parking should have step-free access and be located within 15 metres of the main site entrance, where possible.
- 5.10.3 Connecting Cycling Routes within and outside the development: Dedicated or shared use paths should be included within the development site to provide safe links away from vehicular routes. Good road safety is achieved by separating pedestrian and cycling routes from faster vehicle routes. Fear over personal safety can be major barrier to walking and cycling, and therefore lighting is an important influence on the public's perception of what constitutes a safe area.
- 5.10.4 Proposed new developments will need to take a holistic approach to consider how they link with their entire surrounding community and environment in a safe and sustainable way. Therefore improvements of connecting routes to Active Travel route NP-ROG-C007 outside the development site should also be considered to increase the likelihood of sustainable means of transport being adopted by residents. Sustainable travel routes should connect with one another seamlessly to form a comprehensive, permeable and logical network.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (87 properties), a site notice displayed and a press notice published in the South Wales Argus. 64 representations were received, along with a petition of 39 signatories. A further 7 representations were received following a reconsultation of amended plans in October 2020. All representations raised objections and the following concerns were raised:

Traffic, access and parking

- The development would result in increased traffic which would cause the following issues:

- Increased queuing of traffic along Ruskin Avenue at the junction with Cefn Road. Exiting onto Cefn Road can take up to 15 minutes, once on High Cross Road waiting up to 20-25 minutes is common;
 - Morning and evening traffic can tail back to Mount Pleasant Junior School, which has the potential for young children to come into contact with queues of stationary traffic;
 - Queuing traffic on Squires Gate due to traffic waiting to exit the estate onto Ruskin Avenue;
 - Traffic calming measures on Ruskin Avenue are inadequate. The estate is also used as a short cut by vehicles travelling through the lane to and from Cwmbran. The Council should be considering improving the existing conditions rather than exacerbating them;
 - The unnamed road off Ruskin Avenue and the car park is used daily by parents, carers and childminders dropping off and picking children up from Mount Pleasant Primary School. The removal of this parking option will increase the risk and danger for young children attending school in a location where the existing road infrastructure cannot cope with the volume of traffic;
 - It will significantly increase traffic turning into Squires Gate as this is the proposed entrance to the main residents car parking area and it is already a dangerous turning onto Squires Gate from Ruskin Avenue. This is the case because of the road calming narrowing just above the turning onto Squires Gate. It causes confusion between cars because with cars waving to those letting them through the narrowing causes cars to think they are waving them out and they can turn;
 - The road leading into Squires Gate will effectively become a public car-park given the flat visitors with nowhere to park and the displaced parking for the school at school times. All these extra cars parking will cause bottlenecks in an already narrow road, increasing the likelihood of minor collisions between vehicles, creating significant road safety issues for children and increase pollution;
 - No 5, Squires Gate is located on the corner of the first cul-de-sac as you enter Squires Gate. As it's the first turning you come too, this quiet and safe space is already a popular turning circle for vehicles who enter Squires Gate by accident. Once these flats were built, this safe space is highly likely to become a common turning circle and car-park for flat visitors. This will cause congestion, pollution and will be a significant safety issues for all the young children living in the area.
 - Increased traffic will pose a serious risk to canal visitors, already, the number of vehicles entering and exiting Ruskin Avenue makes crossing the road to get from one side of the canal to the other hazardous. 2 near misses have been witnessed.
 - Blocking Squires Gate for large vehicles such as fire engines.
- Insufficient parking provision will lead to overspilling onto surrounding streets, to the detriment and safe passage of existing residents.
 - Insufficient visitor parking.
 - The agents have conducted their own transport study – this should be a quantitative, independent study in light of the residents' concerns.
 - The extrapolated anticipated 'extra' traffic burden / journeys is unreliable and inappropriate. It cannot be compared to the previous application for 6 dwellings and considered 'similar'.
 - The entrance/exit on to Squires Gate is close to the junction of Squires Gate/Ruskin Avenue and does not give sufficient sight, distance and visibility.
 - Queries why it is proposed to access the proposed development via Squires Gate, where there is a large unused and viable road with a turning off the main road at the top of the site. A far safer and more practical solution which, would make the entire development more palatable for those to the south side (i.e. residents of Squires Gate) would be to move the entrance to the new flats car park to the top road and not off Squires Gate.
 - It is believed that the Planning, Design and Access Statement and Transport Statement both misstate the impact that the traffic generated by the development is likely to have in the vicinity and fail to consider the degree of conflict and combined effect which this traffic will create if the location and spacing of junctions remains as proposed.
 - Queries the distances and walking time in the Transport Statement, stating that many of these involve steep hills and other obstructions.
 - Queries the accuracy of the list of public transport services in the Transport Statement.
 - Queries the accuracy of walking distances to public transport connections.

- The hazard of the Squires Gate access was less of a problem when it only served the former public house, as its use did not normally coincide with peak times.
- The DPAS and Transport Statement also fail to mention the conflict with the closeness of the adjacent access to residential development granted under Planning Application Ref. 18/1013. Only Planning Permission Ref. 19/0587 is mentioned in Transport Statement.
- The visibility splays of the two new accesses now proposed in Squires Gate overlap blocking emerging drivers' vision and further increases the hazard to vehicles turning into Squires Gate.
- The trip generation forecast summarised in Transport Statement appears to have made solely on generic data with none of the unique characteristics of Ruskin Avenue and the journey patterns of the residents of Mount Pleasant Estate recognised. With the presence of the school, there are many more journeys from the estate focussed around the peak hours and the forecast that a possible total 48 residents' cars parked on the new development will generate only 8 trips in the peak hour is hard to believe.
- There also appears to have been no modelling of the proliferation of the junctions and traffic calming measures in the vicinity and the impact that the additional conflict and congestion that will be caused.
- There would be an additional demand for public transport, especially rail, which is overcrowded at peak times.
- There is no regular bus service to Mount Pleasant.
- There have been a number of accidents regarding cats being run over from cars driving along Ruskin Avenue, there are too many cars on the road here.

Residential amenity

- Referring to the previous permission for 6 detached dwellings, the flats would be much closer to 201 Ruskin Avenue, of a significantly larger and imposing scale.
- The flats will result in overlooking and in particular, Block 2 of the flats will overlook the rear garden of 201 Ruskin Avenue and invade privacy to a rear facing bedroom, study and dining room.
- Block 2 would result in a significant loss of light to the rear garden of 201 Ruskin Avenue.
- The elevation, height and proximity would result in overshadowing of 201 Ruskin Avenue.
- It is suggested that the 25-degree rule from any habitable window has not considered the habitable windows to the rear of 201 Ruskin Avenue - rather than just stating there are no habitable windows on the southern façade. The bedroom at the rear of 201 Ruskin Avenue is the main bedroom and the subsequent invasion of privacy to both the living accommodation and garden has been overlooked and dismissed and will seriously impact on quality of life.
- A development of this size and density will pose a significant increase in noise nuisance from multi dwelling occupancy and vehicles.
- The former pub has not traded for many years and the earlier response from the agent that this development would pose no greater risk to noise nuisance is inappropriate and trite.
- Headlights would be directly aimed into lounge and bedroom windows of 1 Squires Gate.
- Afternoon sun will be blocked from houses close to the apartment blocks.
- The flats will see trouble experienced at the neighbouring Stevenson Court.
- There is a lack of bin storage.
- The proposal makes no provision for improvements or extra funding for local primary schools and surgeries which are already over subscribed.
- There is a lack of dedicated open space and playing amenities for local children. The proposal will exacerbate the situation significantly.
- The open space should be retained for everyone to enjoy and should be tidied.
- Construction disruption during the build, local residents must be protected. Access to the building site should not be from Squires Gate and appropriate support and compensation should be made to all local residents to facilitate cleaning cars, homes and other assets from the dust and disruption.
- Construction restrictions must include site traffic not entering via Squires Gate turning, working hours and restricted weekend activity. The south side of the plot should have a high panel fence, to completely reduce the noise, dust and most importantly child safety aspects during the development.
- Flats pose an unknown quality and quantity of social issues, affordable housing for people who are struggling with drug addictions, alcohol abuse and a multitude of psychiatric

disorders. That's bad news for families and kids as it will be constant nuisance and bad influence on them while commuting back and forth from school as well as work.

- The Rogerstone area has no local parks for children, this space could serve as a safe play area for the local children.
- The air pollution in this area is right outside the Junior School, this must have a detrimental effect on children's breathing which could lead to them developing asthma.

Visual amenity

- Out of keeping with all other properties in the area, which are largely single dwellings, semi detached or detached in design.
- It will be visually overbearing.
- It would ruin the open nature of the area.

Other matters

- The PAC report has not detailed the proper details of the responders or the precise nature of their objections. Issues raised regarding errors and deficiencies in the Transport Assessment are not represented by any of the points listed; and those points listed fail to reflect the full nature of objections.
- The timing of this application during the restrictions imposed during the COVID crisis and subsequent lockdown has been extremely detrimental to local residents. It is appreciated that an extension was granted to the initial pre-consultation period, this was of little assistance since we have only recently been able to meet as a community and exchange views in person. Regular visits to the property by several contractors and workmen who were removing items from the interior of the existing premises were witnessed, making many non - essential journeys during the lockdown period. Similarly, photography professionals were engaged to visit site during the same period, as were representatives to assign the statutory notices. This was a flagrant breach of National Guidelines, and blatant disregard for safety at a time of unprecedented crisis. Our ability as a community to engage and respond has been seriously compromised by this timing.
- Queries the ownership of the boundary line adjacent to 201 Ruskin Avenue as it incorporate a public right of way, footpath and grass verge. This footpath is used every day by residents, families with pushchairs, wheelchairs and mobility scooters and young children. Users will have their pedestrian access seriously impeded if the grass verge is removed as it will undoubtedly lead to cars being parked extremely close to the footpath. This is completely at odds with recent government initiatives to prevent obstacles on footpaths, ensuring a safe right of way.
- There are a number of animals and birds living in the tress, bushes and grassland on the site, this wildlife is encouraged by the canal with animals living in green patches and gardens across the estate. Destroying their habitat to build flats damages the environment and deprives residents of green views and a connection to nature that contributes to wellbeing and good mental health.
- The Olde Oak site was once occupied by a thriving Italian restaurant which was replaced by an enterprise which failed due to bad management. The original restaurant was a much-loved amenity for the local area and a Change of Use application should not have been granted. It would be better if the area was returned to the hospitality sector and provide much-needed jobs rather than housing.
- The previous application for flats was refused.
- There is no need for additional affordable housing in the area.
- Communal parking can mean an increase in potential criminal damage to vehicles.
- The environmental impacts should be re-assessed.
- There is no school capacity at Mount Pleasant school.
- Family housing is more welcome.
- There should be no felling of trees.
- The footpath in front of the public house and around the edge of the site, connecting to Nash Close should not be closed and remain open throughout the build and beyond.
- The address is shown as Ruskin Avenue, there is no road access from that street. That is misdirection.

6.2 COUNCILLOR CHRIS EVANS: Raises the following concerns/objections:

- Road safety.
- Increase in traffic turning into ~~Page 99~~ **Page 99**.

- Increase in number of cars turning into the estate.
- Increased pollution.
- Squires Gate will have increased numbers of cars parking on the road, increasing the likelihood of collisions and road safety issues.
- Accessing the site via the road at the top of the site is a safer and more practical solution, which would make the development a more palatable for those to the south side (i.e. residents of Squires Gate).
- The existing road infrastructure cannot support this highly populated area, let alone 24 new flats. Peak/rush hour queues can take 30 minutes to get to the M4 in the morning. The exit off Ruskin Avenue is accident black spot, which often blocks the Squires Gate entrance. In order to protect the residents of Ruskin Avenue, the council should be doing more to control traffic and reduce pollution, and must not make it worse by approving flats which brings more traffic and more congestion.
- There are very few visitor parking spaces.
- Parking at school time on Ruskin Avenue is already very busy and dangerous for school children. The school is located on a busy route and parents already regularly park on yellow lines with no intervention from council enforcement officers, even with the pub car park available just down the road. The pub car park is nearly full every school day with parents doing pick up and drop off, so where do all these cars go if this land is developed.
- There will be construction disruption during the build and as such, local residents must be protected. Appropriate support and compensation should be made to all local residents to facilitate cleaning cars, homes and other assets from the dust and disruption.
- Flats are not appropriate in this area. The Squires Gate estate is primarily comprised of detached and semi-detached housing. Ruskin Avenue does not need Flats. Rogerstone has multiple new developments and ample accommodation. 24 high density flats would overpower the landscape and stand out as 'out of place' in this established and settled community. Although not ideal, larger houses are the only residential development appropriate for this land.
- Rogerstone is already a massively overpopulated area with a number of developments (notably Jubilee Park and Carnegie Court). Jubilee Park alone provides ample new flats & smaller properties to purchase locally.
- There is already a huge strain on amenities and infrastructure to support the local community. Doctors surgeries are already at breaking point due to developments at Jubilee Park and Carnegie Court.
- The proposal lacks any environmental considerations, no solar panels, no integrated recycling facilities, no car charge points. It seems that little regard as been given as to environmental considerations.
- These dwellings will be far from 'affordable' for young people and families starting out. Rogerstone desperately needs affordable homes for our children and grandchildren to live in or return to be part of our community, not so called 'luxury' apartments. My community needs 'homes' and whilst there is no legal/planning obligation to build 'affordable' homes or 'Green' environmentally friendly dwellings the lack of ambition on the part of the developer consolidates my concerns.

6.3 COUNCILLOR YVONNE FORSEY: Requests to be kept up to date with the application.

6.4 ROGERSTONE COMMUNITY COUNCIL: No response.

7. ASSESSMENT

7.1 The application site sits within the Mount Pleasant housing estate. It is accessed via Cefn Road to the south and via Groes Road/Cwm Lane to the north, which also links on to Bettws and Cwmbran. The site comprises a part single storey, part two storey building, which is surrounded by garden areas, in association with the use of the building, together with some hardstanding, open landscape areas and a large car park. The building is currently vacant but it has historically operated as a pub/restaurant. The building is accessed by an un-named road to the north of the site, which comes off Ruskin Avenue. To the south east of the site is the remaining portion of the car park. This is under different ownership and planning permission was recently granted for the construction of 3 no. houses on this land (reference 19/0769). The surrounding area is residential and properties

lie adjacent to the north eastern, eastern and south eastern boundaries of the application site. Elsewhere residential properties lie opposite along Ruskin Avenue and along Squires Gate.

7.2 **Planning history**

7.2.1 Planning permission was refused for 10 no. flats within a two storey L shaped building in June 2014 (reference 14/0336). The building was located within the western portion of the car park and it did not involve the pub or its gardens. The design and scale of the building was considered acceptable however, the applicant failed to demonstrate that future occupiers would be protected from noise generated by the then operational pub, they failed to demonstrate that adequate parking provision could be provided for the pub as the proposal would remove all parking associated with the pub and they did not agree to the required planning contributions.

7.2.2 Planning permission was granted for 6 no. detached dwellings in November 2019 (reference 19/0587). The application site involved the pub and its gardens, it did not include the car park which is now included in this application. Access to the development was from the un-named road off Ruskin Avenue to the north.

7.3 **The proposals**

7.3.1 It is proposed to demolish the existing Old Oak Stave pub and construct three residential blocks to provide 21 no. two bedroom flats. The current proposal has been reduced down from 24 no. units which were originally proposed. This was to address concerns over scale and massing. The apartment blocks would be located on the land currently occupied by the pub building and its gardens. Block 1 would run parallel to Ruskin Avenue and would have a frontage onto this road. It would be set back around 9m from the road and would retain the open landscape area in between. Blocks 2 and 3 would face into the site, which would have a central communal landscaped garden area. The rear of block 2 would face towards the un-named road to the north and the rear of block 3 would face towards properties in Squires Gate.

7.3.2 The un-named road to the north would be retained and it would provide access to 10 parking spaces which would be positioned behind block 3. It is also proposed to remove some of the grass verge adjacent to the road to provide a further 4 parking spaces and 2 visitor spaces. There would also be one of two refuse stores located at the end of this road. The footpaths to the north of the site and south of the existing pub building would be retained and would continue to link Ruskin Avenue to Taliesen Close and beyond.

7.3.4 It is proposed to retain the existing car park in the south western portion of the site. It would be accessed from Squires Gate, using the existing access. It would be reconfigured to provide 30 parking spaces and 4 visitor spaces. Overall the development would provide 50 parking spaces, across the two car parking areas. The existing area of landscaping and trees in between the car park and Ruskin Avenue would be retained; and additional landscaping would be provided at the entrance to the car park, within the car park itself and along the boundary with the neighbouring development site (3 no. dwellings). A second refuse store would be located at the top of the car park, adjacent to Block 1.

7.3.5 The apartment blocks would be largely identical, except for some different positions of balconies. They would measure 25m in length and 11.5m in width (centrally, at their widest point). They would have a maximum ridge height 9.2m, with an eaves height of 5.2m. The blocks would have hipped roofs, with a gable feature at each end and two small dormers positioned centrally in the front elevation. To the rear there would be a central projection, which provides access to the apartments, via a central lobby. Roof lights are proposed in the front and rear roof slopes to serve accommodation within the roof space. The buildings would be finished in red brick and render. Blocks 1 and 2 would have a first floor balcony on each end of the building. Block 3 would differ slightly, with a first floor balcony proposed on the northern side elevation and the other balcony on the front elevation.

7.3.6 Each apartment block would provide 3 x 2 bedroom flats on the ground and first floor, with 1 x 2 bedroom flat in the roof space. The apartment blocks would be surrounded by landscaping, incorporating lawn areas, swales for sustainable drainage, pollen and nectar rich wild flowers, rain gardens in raised beds, shrub and tree planting. There would be

footpaths around the blocks and a footpath which runs centrally through the communal gardens, leading to the south western parking area.

7.4 **The principle of development**

7.4.1 The site is previously developed land within the defined settlement boundary. The building is currently vacant and it is considered that the provision of residential development within the urban area is consistent with policy SP18 of the Newport Local Development Plan and its general brownfield strategy.

7.4.2 Policy CF12 states that proposals that would result in the loss or change of use of buildings currently used for community facilities will only be permitted if:
i) alternative provision can be made, of at least an equal benefit to the local population; or
ii) it can be demonstrated that the existing provision is surplus to the needs of the community.

7.4.3 The building has ceased to function as a public house and is currently vacant, following a temporary spell as a coffee shop. The applicant has submitted a planning statement which provides an address to the requirements of this policy. The applicant notes that Rogerstone benefits from a number of public houses, many of which are in close proximity to the application site, these include the Rising Sun, Tiny Rebel brewery bar and the Tredegar Arms. The applicant further notes that these establishments are within walking distance of the application site and are comparable in their role and function. It is agreed that this contributes towards the existing pub being surplus to the needs of the community.

7.4.4 The applicant also makes reference to the previous planning permission which also involved the demolition of the pub. That application included an independent commercial viability study (dated May 2019) which concluded that the building is poorly located for passing trade and there are better venues with better facilities in close proximity. The public house was loss-making prior to its closure and the viability study assessed the option of re-opening the building as a public house business. When considering the cost of refurbishment, staff costs, sales and operator profit, it concluded that the public house is commercially unviable now in and the long term.

7.4.5 The proximity and number of other public houses, along with the viability study were previously considered to adequately address policy CF12. There has been little change since the determination of the previous application and if anything, the Covid-19 pandemic has made the viability of vacant premises such as this even more precarious. The proposal is therefore considered to satisfy policy CF12.

7.5 **Highways and access**

7.5.1 *Traffic generation and impact on the highway network:* In accordance with the Parking Standards SPG the proposed development generates a requirement for 42 parking spaces (1 space per bedroom) and 5 visitor spaces (1 space per every 5 units). 50 parking spaces are proposed. This will generate vehicle trips and a demand on the local highway infrastructure. When assessing whether or not this demand would result in a harmful impact on the local highway infrastructure a number of factors need to be considered:

- the lawful fallback use of the site and its associated vehicle trips/demand on highway infrastructure;
- the likely level of vehicular trips generated by the proposed development, using recognised and industry standard trip generation data;
- the condition of the existing highway network.

7.5.2 The applicant has submitted a Transport Statement which, addresses these factors. The Transport Statement uses the TRICS database, which is a national system of trip generation analysis (the database contains over 7000 directional transport surveys at 110 types of development). The Councils Highways Officer has no objection to the methodology of data collection. The lawful use of the site is an A3 use (pub/restaurant); and this use could resume at any time. As such it is necessary to understand the vehicle trips associated with the former use, as the lawful fallback position. The TRICS analysis has used the Hotel, Food & Drink category of the data-case to derive a representative sample of sites of similar size and locational characteristics to that of the former pub/restaurant. The data considers the morning and evening peak hours (0800-0900 and 1700-1800), as

well as a sum of daily movements. The Transport Statement, based on the TRICS analysis shows that the former use would generate 0 trips during the am peak hour, 49 trips during the pm peak hour and 677 daily movements.

- 7.5.3 The TRICS trip generation database has also been used to calculate the vehicular trips of the proposed development. The sites used to derive the data were selected based on; privately owned flats, Monday to Friday survey days and within the UK (excluding Greater London, NI and the Republic of Ireland). As with the former use the data considers the morning and evening peak hours, as well as daily movements. The Transport Statement shows that the proposed use would generate 6 trips during the am peak, 7 trips during the pm peak and 77 daily movements. A comparison of the existing and proposed trip generation is set out in the table below:

Table 1

Period	Former pub/restaurant			Proposal 21 no. flats			Difference		
	Arrive	Depart	Total	Arrive	Depart	Total	Arrive	Depart	Total
0800-0900	0	0	0	1	5	6	+1	+5	+6
1700-1800	31	18	49	5	2	7	-26	-16	-42
Daily	344	333	677	40	37	77	-304	-296	-600

- 7.5.4 It can be seen from the above table that the proposed development would result in less vehicle trips overall when compared with the existing use. There would be an increase in trips during the am peak hour however, an additional 6 trips is not considered to be significant.
- 7.5.5 There have been objections from the local community, with nearly all representations raising concerns over the impact of the proposal on the local highway infrastructure. There is concern that during the peak hours and in particular during the morning rush hour, there are long queues of vehicles attempting to leave Ruskin Avenue onto Cefn Road. These queues often back up to the Squires Gate entrance and further. There are concerns that additional vehicles will further exacerbate these queues, causing a highway safety issue and the potential for accidents. It is recognised that there are existing issues with queuing traffic during the peak periods. However, this is an existing problem and as it has been shown that the proposed development would only generate an additional 6 vehicle trips during the am peak period and 7 trips during the pm peak period, this is considered to not have a significant additional harmful impact on the existing highway network. The Councils Highways Officer has no objection to the additional vehicle trips nor the impact on the highway network.
- 7.5.6 *Parking and servicing:* As set out in paragraph 7.5.1 the parking and visitor parking demand generated by the proposed development is 47 spaces in total. As it is proposed to provide 50 spaces, including 6 visitor spaces, it is considered that sufficient parking is proposed. The Highways Officer also has no objection to the proposed parking provision.
- 7.5.7 Local residents have raised concern that the car park is currently used by parents dropping off and collecting children from Mount Pleasant primary school. Without this car park vehicles would be displaced onto neighbouring streets to find on-street parking. Local residents are concerned that this will result in indiscriminate parking and a risk to highway and pedestrian safety, particularly children as they walk to school. Whilst these concerns are understood, parking within the existing car park is on an informal basis and could be stopped by the landowners at any point. It would therefore be unreasonable to refuse the proposed development on the basis of this informal arrangement.
- 7.5.8 In terms of servicing, swept path analysis has been provided to demonstrate that refuse vehicles can enter and leave the un-named road to the north in a forward gear. The Highways Officer is satisfied with this.
- 7.5.9 It is proposed to provide cycle storage adjacent to each apartment block. The Sustainable Travel Supplementary Planning Guidance requires 1 long stay cycle space per every 2 bedrooms and 1 short stay cycle space per every 20 bedrooms. Long stay spaces should be provided in secure, ideally covered structures and short stay spaces should be obvious and easily accessible. The demand created by the proposed development is 7 cycle spaces

for each apartment block and 1 short stay space. It is considered that the cycle stores shown would be located in convenient, secure and accessible places. It is considered that the precise details to demonstrate that 7 cycles can be stored within the shelters can be secured through a condition.

- 7.5.10 Further concerns have been raised by local residents. A number of concerns relate to the visibility from the Squires Gate entrance/exit and its proximity to both the Squires Gate/Ruskin Avenue junction and the access to the adjacent approved development. Both of these accesses are existing and currently serve a car park. The existing car park provides (including that of the neighbouring development site) around 70 parking spaces. The proposed development and the neighbouring 3-house development would result in less parking provision and as such the vehicle movements would be less than could resume. The Highways Officer does not object to the continued use of the access and no improvements to visibility are considered necessary as the proposed development would result in fewer vehicle movements than could exist.
- 7.5.10 A neighbour representation has noted that the Squires Gate access was less of a problem when the site operated as a pub, as it did not coincide with peak hours. This observation is noted however, it remains to be considered that because vehicle trips are not predicted to be significant during the peak periods, there would not be significant worsening on the surrounding highway network.
- 7.5.11 Neighbour representations query why the un-named road to the north of the site cannot be used as the entrance to the development. If the use of the Squires Gate access was considered to be unacceptable then an alternative access might be pursued however, as this is not the case, then this option is not considered necessary.
- 7.5.12 Neighbour representations are made regarding the public transport sections within the submitted Transport Statement, in particular the accuracy of distances and walking times listed to public transport services. These comments are noted however, the sustainability of the site is not in question and no reductions in parking provision are being sought. It is possible that the Transport Statement does not accurately reflect terrain constraints when considering walking distances however, this is not material to the consideration of this application.

7.6 **Active Travel**

- 7.6.1 The Councils Active Travel Officer objects to the proposed development as they do not believe that cycling provision has been adequately considered. As set out in paragraph 7.5.9 it is considered that the cycle shelters proposed would be located in convenient, secure and accessible places. Each shelter would be adjacent to a footpath and would be a short distance from the canal Active Travel route (around 150m). Whilst dedicated or shared paths for pedestrians and cyclists are not provided within the development, there are very close connections with the existing highway network (which the applicant has no control over). It is not considered reasonable to require the applicant to make improvements to the existing highway network to improve cycle links to the canal given the scale of development and the short distance to the tow path. Overall it is considered that the proposed development meets the requirements of the Sustainable Travel SPG and would encourage the uptake of active travel.

7.7 **Existing and future residential amenity**

- 7.7.1 The New Dwelling SPG is the relevant guidance when assessing the impact of the proposed development on the residential amenity of neighbouring properties; and amenity provided for future occupiers. The main function of the SPG is to:
- i) To ensure that occupants of new dwellings have reasonable living conditions;
 - ii) To ensure that new dwellings do not deprive persons in existing dwellings of reasonable living conditions; and
 - iii) To protect the character and appearance of the natural and built environments.

- 7.7.2 *Reasonable living conditions for future occupiers:* the SPG sets internal space standards for flats and for a two bedroom flat with a communal entrance a floor space of 59 sqm is recommended. All of the proposed flats exceed this standard.

- 7.7.2 The SPG states that private or communal amenity space should be provided for flats. Private amenity space could be provided on balconies and where these are provided the desired space is 3 sqm. Six of the proposed flats would have balconies with a floor space of 2.8 sqm, which whilst marginally less than the desired standard, is considered acceptable.
- 7.7.3 The SPG recommends that for developments providing accommodation for between 41 and 60 people, communal amenity space at a ratio of 13 sqm per person should be provided. The submitted floor plans indicate that each bedroom could accommodate a double bed and as such each flat could potentially house up to 4 people (although, in reality this is unlikely). Excluding those flats with balconies the development could accommodate up to 60 people (15 flats x 4 people) and as such 780 sqm of communal amenity space is required (13 sqm x 60 people). The development would provide around 860 sqm of communal amenity space and this is considered acceptable.
- 7.7.4 Overall the proposed living conditions for future occupiers is considered acceptable.
- 7.7.5 *Protecting the living conditions of persons in existing dwellings – Internal Privacy:* To ensure the privacy of all residents are protected, suitable separation distance must exist between protected windows. The SPG sets a suitable separation distance of 21m, unless separated by permanent structures or evergreen trees protected by Tree Preservation Orders. A protected window is one which serves a habitable room. The SPG defines a habitable room as any room used or intended to be used for sleeping, living, cooking or eating purposes.
- 7.7.6 The nearest residential properties to the proposed development are 201 Ruskin Avenue, 1 and 2 Stevenson Court; and 80, 81 and 90 Squires Gate. The side elevation of Block 1 would face towards the side elevations of 201 Ruskin Avenue. It is proposed to have small living room and kitchen windows in the side elevation of Block 1, it is proposed to obscure glaze these windows. There are no windows in the side elevations of 201 Ruskin Avenue and it is considered that there would be no loss of privacy to this neighbour.
- 7.7.7 Elsewhere there are no infringements of the 21m window to window separation distance except where there is a window in the side elevation of 80 Squires Gate. The rear of Block 2 would face towards this property and bedroom and bathroom windows are proposed in this elevation. However, given the likely internal configuration of 80 Squires Gate it is likely that this window serves a landing and not a habitable room. It is therefore considered that this neighbours' privacy would be protected.
- 7.7.8 Consideration is given to the relationship with the houses approved under planning permission 19/0709, which would be built adjacent to Block 3. There would be small living room and bathroom windows in this elevation, which are proposed to be obscure glazed. There are no windows proposed in the side elevation of the neighbouring approved development and therefore privacy would be protected.
- 7.7.9 *Protecting the living conditions of persons in existing dwellings – Privacy within gardens:* In order to prevent overlooking or perceived overlooking and overbearing effects developments must have a suitable separation distances between new high-level protected windows and adjacent back gardens. The SPG does not recommend what that distance should be for flats however, it does recommend for single dwellings that a back garden should extend at least 10m from the rear elevation high level window in order to protect the amenity within neighbouring gardens. It is considered that this principle is equally relevant to flats.
- 7.7.10 There are instances whereby the proposed development would have windows which face towards the private gardens of neighbouring properties however, in all cases except one, the distance between the windows and neighbouring gardens is in excess of 10m. The closest relationship is between the bedroom windows in the rear of Block 2 and the neighbouring rear garden of 201 Ruskin Avenue. These bedroom windows would align with the rear most part of the garden and are 14.3m away. Whilst the neighbour has raised concerns over this relationship, it is considered acceptable and in accordance with the SPG.

- 7.7.11 The exception occurs between the side elevation of Block 3 and the nearest house approved under planning permission 19/0709; and also between the rear garden of 90 Squires Gate. There is around 3m between Block 3 and the side boundary of the approved development and the rear boundary of 90 Squires Gate. There would be first floor living room and kitchen windows in this elevation however, they are proposed to be obscured glazed. This is considered to be adequate mitigation to protect the neighbouring privacy. A condition is recommended to ensure the windows remain as such in perpetuity. There are no permitted development rights for flats and as such it would not be permissible to insert additional openings without first gaining planning permission.
- 7.7.12 *Protecting the living conditions of persons in existing dwellings – Overbearing effect on neighbouring gardens:* the SPG states that consideration should be given to the characteristics of the affect garden(s) including its size, orientation, likely usage, topography, existing neighbouring development and screening vegetation when assessing overbearing effects.
- 7.7.13 The closest relationship between the proposed development and neighbouring properties is that between the recently approved three dwelling development to the south east and between 90 Squires Gate. Block 3 would be 3m from the nearest approved dwelling however, this is a side to side relationship and the approved house would have single storey projection closest to the shared boundary, which would screen the impact of the proposed development when using the rear garden. It is considered that this would prevent the building being overbearing upon that neighbouring garden.
- 7.7.14 The side elevation of Block 3 would also align with the rear garden of no. 90 Squires Gate, it would be around 3m from the rear boundary. The rear garden of 90 Squires Gate is long, measuring around 25m in length. It is considered that with a garden of this length and with a building with an eaves height of 5.2m and with a hipped roof, this relationship would not cause an overbearing impact on the neighbouring garden.
- 7.7.15 Elsewhere it is considered that there is sufficient distance between neighbouring gardens and the proposed development to ensure that the proposal would not be overbearing. The occupier of 201 Ruskin Avenue has raised concern that the proposal would be overbearing on their property. However, it is considered that given the scale of the development, which whilst slightly closer to this property, is only 700mm higher than the houses previously approved under permission 19/0587. The parts of the building closest to this property would be the lower parts of the roof slope. Block 1 would be 14.1m from 201 Ruskin Avenue and Block 2 would 14.3m away. The highest parts of the roofs would be a further 18m and 17.6m away respectively. It is considered that at these distances and given the scale of the buildings it would not represent overbearing development.
- 7.7.16 *Protecting the living conditions of persons in existing dwellings – loss of light:* the SPG sets out natural light tests for protected windows to ensure there is no unacceptable loss of light to those windows. It is considered that there would not be any neighbouring windows affected by a loss of light as a result of the proposed development. The occupier of 201 Ruskin Avenue considers that the applicant has not addressed the habitable room window to the rear of their property. It is noted that there are ground and first floor windows in the rear elevations of no. 201. These windows are orientated away from the proposed development and it is considered that there would not be a direct impact on these windows. There are ground floor windows in the side elevation of the rear projection. These windows would face towards the proposed development however, there is an existing boundary treatment in front of these windows which measures 2m in height. The applicant has also undertaken the 25 degree natural light test from the nearest point of this property and the test is passed. It is considered that light to the neighbouring property would not be adversely effected.
- 7.7.17 Overall it is considered that the proposed development would adequately protect existing residential amenity, in terms of light, privacy and overbearing impact.
- 7.7.18 The Head of Law and Regulation (Environmental Health) has no objection to the proposed development subject to conditions requiring the submission of a construction environmental

management plan (CEMP), a requirement to investigate and remediate any unforeseen contamination and a restriction on the hours of construction. The CEMP and contamination conditions are recommended however, it is not considered necessary to restrict the hours of construction through a condition, as there are more effective controls of any nuisance generated through construction through the Control of Pollution Act 1974.

- 7.7.19 A neighbour representation has raised concern that the proposal will result in vehicle headlights shining directly into the lounge and bedroom windows of 1 Squires Gate. This property is located opposite the existing car park and this is a situation which could currently arise. It is considered that the proposal would not result in a worse impact.
- 7.7.20 Neighbours are concerned that the proposal would block neighbouring properties from afternoon sun. It is considered that the separation distances from neighbouring properties and the scale/height of the proposed buildings would prevent a material loss of light to the closest properties.
- 7.7.21 Local residents are also concerned about the disruption caused during the construction phase. The submission of a Construction Environmental Management Plan (to be agreed via a condition) would ensure that local residents are protected from construction activities.
- 7.7.22 A neighbour is also concerned that affordable housing will result in anti-social issues. The proposal would include the provision of 6 no. affordable units. These would be managed by a Registered Social Landlord. There is no evidence to suggest that well managed affordable units would could cause anti-social issues and this would not be grounds to refuse an application.

7.8 **Design and visual amenity**

- 7.8.1 It is considered that the existing buildings forming the Old Oak Stave do not have any significant design merit and in visual terms, they do not have sufficient quality to warrant their retention. The surrounding area is residential and buildings are two storeys in scale. There is a variety in design with a mix of materials.
- 7.8.2 The design of the proposed buildings has been amended in order to address concerns over the scale and massing of the proposal. It was originally proposed to provide 24 flats, with greater use of the roof space to provide accommodation. This resulted in taller buildings, with dormers in the front and rear elevations, including larger dormers in the front elevation. It was considered that this design was over-scaled and would be out of keeping with the two storey context of the surrounding area. The amended design has reduced the unit numbers, reduced the height of the apartment blocks, removed dormers from the rear elevations and reduced the number and size of dormers in the front elevations.
- 7.8.3 There have been objections from the local community who consider that flats are not appropriate for the area. Many residents refer to the acceptability of the previous planning permission for part of this site, which involved the provision of 6 no. detached houses. It is recognised that the scale of the previous permission was most comparable with that of the surrounding area however, it should be noted that whilst the massing of the buildings are greater, their overall height is not significantly higher than the approved 6 house scheme. The applicant has provided an overlay of the previous dwelling scheme (overlaid red), in order to demonstrate that the proposed scheme is of a comparable height to that previously approved, see below:



7.8.4 It is considered that the scale of the proposed flats is not significantly different to the previously approved scheme, nor the scale of the properties in the surrounding area. The buildings are largely two storey in scale, with modest additions to the roof. It is recognised that the massing of the building is greater than the housing scheme, as there are no gaps between the building. However, it is considered that the use of render either side of the brick work allows the elevation to be broken up, thereby reducing the visual impact of its massing.

7.8.5 When considering the massing of the building, it is also worth noting that, whilst planning permission was refused for the 14/0336 scheme (10 no. apartments, within an L shaped building, sited on the car park), which was brought before planning committee in August 2014. The reasons for refusal did not relate to the design, scale or massing of the building. The applicant has also provided an overlay of that previous design (overlaid in red), in order to demonstrate that a building of greater massing was previously considered acceptable (see below). Whilst the height is less than currently proposed, it is not significantly different.



7.8.6 It is also recognised that the footprint of the buildings is greater than that of the approved housing scheme. However, as set out in paragraphs 7.7.1 to 7.7.18 the proposed development is not considered to be harmful to existing residents in terms of privacy, light or overbearing. The scale of the proposed buildings is considered to be comparable to the previous consent and the context of the surrounding. Overall it is considered that the design, layout, scale and massing of the proposed building would not be visually harmful, nor would it result in a form of development which appears out of character or at odds with the surrounding area.

7.8.7 The proposal involves the provision of a large expanse of car park. Good design would normally see parking provision integrated within the development in order to avoid such an emphasis on car parking areas. Whilst this isn't an ideal layout, it is considered that it would not result in a visual harm. It is proposed to retain the significant vegetation and trees, which provide screening along Ruskin Avenue. It is also proposed to provide additional planting at

the entrance and within the car park, this would help to break up the hardstanding areas. Furthermore, given its current use as a car park, with much less landscape treatment, it is considered that the continued use of this car park would not be visually worse than that which currently exists.

7.9 **Air Quality**

7.9.1 The application site does not lie within an Air Quality Management Area (AQMA). The nearest area begins at the Ruskin Avenue/Cefn Road junction and covers a stretch of the road in an easterly direction. Neighbour representations raise concerns over additional air pollution as a result of increased traffic movements. The Air Quality SPG does not require an Air Quality Impact Assessment to be provided given the location of the site outside of the AQMA or a buffer zone and not adjacent to an A road. However, the Air Quality SPG does state that "it is important to recognise that even if a proposed development is not located directly within an AQMA, it could still have an impact on air quality. Increases in air pollution, due to road traffic, can impact on human health and in order to manage this risk all developments must be designed so as not to make matters worse through its construction and implementation".

7.9.2 As set out in paragraphs 7.5.1 to 7.5.5, the Transport Statement indicates that there would be a marginal increase in traffic movements during the am peak period, but overall the number of vehicle trips is shown to be significantly less than its fall back position. It is considered that the impact of the proposed development would not be worse than that which could exist. Furthermore, measures to reduce the impact on air quality during the construction phase would be secured through a Construction Environmental Management Plan (via a condition). Mitigation measures in the form of infrastructure to provide electric vehicle charging points would also be secured through a condition, in order to improve air quality.

7.10 **Noise**

7.10.1 The Councils Environmental Health Officer has no concerns regarding noise from or to the proposed development. The surrounding area is residential and noise sources are not considered to require mitigation. Any noise generated during construction can be mitigated through measures secured through a Construction Environmental Management Plan (via a condition).

7.10.2 Neighbour representations raise concerns that the development would pose a significant increase in noise nuisance from multi dwelling occupancy and vehicles. The existing use of the site is as a pub/restaurant with a large car park. This use could resume at any time. It is considered that the provision of residential development, in a residential area would not result in unacceptable noise nuisance in its own right, nor would it be any worse than the existing use. Noise generated by vehicle movements is also considered to be no worse than the existing use.

7.11 **Ecology**

7.11.1 A Preliminary Ecological Assessment and bat survey have been submitted. They conclude that the site has low ecological value and there is no evidence of bat roosts. The Councils Ecological Officer is satisfied with the surveys and their conclusions.

7.11.2 The applicant proposes the following ecological mitigation and enhancements across the site:

- bat bricks integrated into the gable ends of each apartment block;
- swift bird bricks integrated into the rear elevations of each apartment block;
- Igloo hedgehog homes;
- External wall lights to be low wattage from dusk till dawn;
- Pollen and nectar rich wild flowers as part of the landscaping scheme.

7.11.3 The Councils Ecology Officer is satisfied with the proposed ecological and mitigation enhancements. Conditions are recommended requiring the implementation of the ecological enhancement plan (plans condition) and the submission of a landscape method statement and management plan.

7.12 **Landscaping**

- 7.12.1 It is proposed to provide a landscaped communal garden which would sit centrally within the proposed development. The garden would have a circular walk way through it, leading from the car park to the apartment blocks. Landscaping is also proposed to the sides, front and rears of the apartment blocks. This is in the form of lawn areas, hedges and shrubs. Hedges and shrubs are proposed within the car park and along the shared boundary with the neighbouring development. Wildflower planting is proposed within the existing landscape area in between the car park and Ruskin Avenue. New trees are proposed within the car park, communal garden and within the grass verge adjacent to the un-named road.
- 7.12.2 The Councils Landscape Officer considers the landscape proposals to be an attractive and welcoming scheme. The Officer requests the submission of a landscape management plan, which can be secured through a condition. The Officer requested details of tree pits sections, the applicant has provided these details, no further comments are made by the Landscape Officer. The Officer also queries whether the depth of top soil for the rain garden raised planter could be increased to ensure successful plant establishment. This information has not been provided and as such it is recommended to be secured through a condition.
- 7.12.3 The Landscape Officer also raises queries in relation to the drainage design and SuDS features. The Officer considers that these should be in line with the landscape strategy. The scale of this development means that separate sustainable drainage consent would be required from the Council's Sustainable Drainage Approving Body (SAB) before any development could start. It is for the applicant to ensure that the proposed development, including its landscape scheme is in line with the drainage strategy. If amendments are required to the landscape scheme as a result of the drainage approval process then additional planning consents may be required.

7.13 **Trees**

- 7.13.1 A tree survey, categorisation and constraints report has been submitted. The report recommends the on-going management of trees on site. It does recommend the felling of one tree, a Red Maple, which is located adjacent to the boundary wall of Stevenson Court. This tree is assessed as having significant crown dieback, with a short life expectancy. The Councils Tree Officer has no objection to the proposals subject to conditions to prevent the felling of any other existing trees, the submission of a tree protection plan, the use of root protection barriers and the appointment of an arboriculturalist.

7.14 **Waste and recycling**

- 7.14.1 In accordance with the Waste Storage and Collection SPG for a development with this number of flats the following waste provision is required:
- 4 x 660l bins for plastic, paper, card and cans
 - 2 x 360l bins for glass
 - 1 x 240l bin for food
 - 120l per flat for landfill waste = 2,520l
- 7.14.2 It is proposed to provide two enclosed timber refuse stores, they would provide enough space for 6 x 660l bins, 3 x 360l bins, 3 x 240l bins and 3 x 1100l bins for landfill waste (3,300 litres). One refuse storage enclosure would be located at the end of the un-named road and swept path analysis of a refuse vehicle demonstrates that a vehicle can access the store and turn within the site. The other store would be located adjacent to Block 1, where a refuse vehicle can collect from Ruskin Avenue.
- 7.14.3 It is considered that the refuse storage areas would be in a convenient location for future residents and can be accessed by refuse vehicles. They would provide more storage than the requirements of the SPG, this is considered acceptable.

7.15.1 **Drainage**

- 7.15.2 Welsh Water confirm that there is capacity within the public sewerage network for foul discharges only. Separate consent is required for the sustainable drainage system and Welsh Water are a statutory consultee in that process. Given that there is a separate consenting regime for surface water it is not considered necessary to require any further details.

7.16 **Security**

7.16.1 The Gwent Police Architectural Liaison previously commented on the scheme during the public pre-application consultation (PAC). The Officer welcomes measures to increase the amount of habitable rooms overlooking the parking areas, along with the use of CCTV. To limit the potential for criminal damage within the car park it is recommended that there is a change in the road surfaces to the entrance and signage indicating that it is private and for residents only. These additional security measures can be secured through a condition.

7.17.1 Section 106 Planning Obligation matters

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

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	To provide an on-site provision of affordable housing or a commuted sum.	30% affordable housing units (6 x 2 bed units) to be transferred to a Registered Social Landlord (zoned to develop in Newport) at a price of 50% of ACG in accordance with policy H4 of the LDP.	Agreed	No
Leisure	To contribute towards the deficit of “Equipped”, “Informal” and “Formal” play in the Rogerstone ward.	£44,367 to upgrade and maintain off-site formal play at Cefn Wood and informal play at land to the rear of Ruskin Avenue	£44,367 agreed	No

7.17.2 The applicant has agreed to the Head of Terms as set out above. The proposal would deliver a total of £44,367 in contributions towards leisure provision. Six of the flats would also be transferred to a Registered Social Landlord for affordable housing. These contributions are a reduced amount to the original Heads of Terms. The applicant has undertaken negotiations with the Councils Planning Contributions Manager, in liaison with leisure and education colleagues. When requesting contributions these need to be made both in accordance with the Councils Planning Obligations Supplementary Planning Guidance and the Planning Obligations Circular 13/97, which is national policy.

7.13.3 The Planning Obligations Circular 13/97 requires that all planning obligations meet the following tests:

- necessary (to make development acceptable)
- relevant to planning
- directly related to the proposed development
- fairly and reasonably related in scale and kind to the proposed development
- reasonable in all other respects.

7.17.4 With these tests in mind the applicant has made a case for the previously requested contributions towards secondary school education. Bassaleg School already has agreed funding to expand the school through other S106 contributions (from Jubilee Park and Tredegar Park Golf Club), Welsh Government and the Council. Detailed plans have already been drawn up, with Pre-Application Consultation already completed. The expansion will increase the school capacity from 1747 to 2050 pupils from September 2023. If planning permission is granted for this proposal then the developer would have 5 years to commence development. In addition to planning permission SAB (sustainable drainage) approval would

be required, planning conditions would require discharging and there would be a construction period of around 18 months. Given these time factors, it is likely that the expansion of Bassaleg School would be complete before this proposal were occupied; and at that point there would be no deficit in capacity. It is therefore agreed that to request further contributions towards a school which would not have a deficit would not be reasonable.

- 7.17.5 £65,182 of contributions towards equipped play at Cefn Wood were also previously sought. Cefn Wood equipped play refers to play area, adjacent to Rogerstone Primary School. The applicant calculated that this play area is around 1.5km from the application site and is accessed on-foot via a Chartist Drive, which is a busy stretch of road. There are also a number of level changes along the route which makes access on foot or with a push chair not particularly desirable, especially with young children. It has been agreed that contributions towards the upgrade of these facilities would not be directly related to the proposed development as they are too distant from the application site. As set out in the table above the applicant has agreed to contributions towards the upgrade and maintenance of an informal area of play closer to the development site and formal provision at Cefn Wood, which relates to provision such as football pitches for use by older children.
- 7.17.6 Neighbour representations raise concern that there is already insufficient infrastructure in the Rogerstone ward and the local primary school is already at capacity. Many representations raise concern that the local doctors and dentist are also at capacity or have long waiting times for appointments. The proposed development has been assessed against the Planning Obligations SPG which sets the triggers and formulas for deriving contributions towards education, leisure and affordable housing. All of the above contributions are in accordance with those triggers and formula. The contributions delivered would be spent on local leisure facilities. It is considered that these contributions ensure that a sustainable development is provided. The scale and type of development means that no contribution is required for primary school education.
- 7.17.7 The provision of doctors surgeries and dentist is not a matter that the applicant nor the Council can control.

7.18 **Other matters**

- 7.18.2 There have been a number of concerns raised by local residents, the majority of which have been addressed in the preceding paragraphs. The following paragraphs address those issues not covered above.
- 7.18.3 *The Pre Application Consultation report (PAC) not addressing the full nature of objections:* applicants are required to produce a PAC report with an application having undertaken that process. The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 is the relevant legislation to Pre Application Consultations. Article 4 states that applicants are required to include a summary of all issues raised in response to the statutory publicity and confirm whether the issues raised have been addressed. In response to the concern raised by the resident the applicant states that whilst they did summarise the comments raised by consultees and they consider that they addressed the highways objections in a general sense; they acknowledge that the PAC report could have been more specific in respect of specific comments. The applicant has updated the report. Neighbour re-consultations were undertaken following the submission of amended/updated information. No further comments were made in relation to the PAC. It is considered that PAC report meets the statutory requirements.
- 7.18.4 *The timing of the application during the Covid-19 restrictions has hampered the community to engage and respond with the application:* At the time this application was submitted the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 allowed people to leave home with a reasonable excuse, one of these being to travel for the purposes of work where it is not reasonably practicable for that person to work from where they are living. Welsh Government advice was that site notices could be displayed whilst complying with the Regulations. The Regulations apply to planning consultants, architects and other agents in the same way as planning officers. Welsh Government also advised that where pre application community consultation is required in advance of a planning application for major development, it is necessary for a site notice to be displayed. This aspect of the pre

application process cannot be undertaken from home and is therefore a reasonable excuse to travel to the site.

- 7.18.5 The Planning Applications (Temporary Modifications and Disapplication) (Wales) (Coronavirus) Order 2020 (“the Amendment Order”) came into force on the 19 May 2020. The requirement to make information available for inspection at a location in the vicinity of the proposed development was temporarily replaced. Instead developers were required to make all the information available on a website and send hard copies of the documents to any person who requests it. Site notices were required to be amended to reflect these changes. The applicant duly undertook these changes and restarted the consultation period with the community.
- 7.18.6 It is considered that the applicant acted in accordance with the Regulations at that time and in line with the advice from Welsh Government, who deemed these measures appropriate to keep the community involved in pre application consultation.
- 7.18.7 *Boundary ownership:* The applicant has signed Certificate A on the application form, which is a legal declaration that the applicant is the owner of all the land within the application site (red line). The Council may have highway rights over land which they do not own and as such they would undertake maintenance of that land.
- 7.18.8 *Users of the footpath would be impeded if the grass verge (adjacent to the un-named road) is removed:* the proposed parking spaces would not encroach onto the existing footpath, which would be retained. This arrangement is considered to be no different to a footpath alongside a road.
- 7.18.9 *The address is shown as Ruskin Avenue, there is no road access from that street, that is misdirection:* notwithstanding that address points are not a material planning consideration, it is considered that the planning application submission, including the plans make it clear where the proposed development would be located.
- 7.18.10 *The proposal will lead to the devaluation of property:* the impact on property values is not a material planning consideration.

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.

8.5 **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.

8.6 **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, SP13, SP18, GP2, GP4, GP5, GP6, GP7, H2, H4, T4, CF12 and W3 of the Newport Local Development Plan. It is considered that the proposed development would not have a harmful impact on existing or future residential amenity, highway safety, the character and appearance of the surrounding area or on protected species. It is considered that the proposal would deliver sustainable development through the on-site provision of affordable housing, contributions towards education and leisure provisions; and ecological enhancements would be delivered across the site. It is recommended that planning permission is granted subject to conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS AND SUBJECT TO A s106 AGREEMENT WITH DELEGATED POWER TO REFUSE THE APPLICATION IF THE s106 AGREEMENT IS NOT SIGNED WITHIN 4 MONTHS OF THE COUNCIL'S RESOLUTION TO GRANT PLANNING PERMISSION

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

1478_P01, 1478_P02 rev A, 1478_P03, 1478_P04, 1478_P05 rev K, 1478_P06 rev C, 1478_P07 rec C, 1478_P08 rev B, 1478_P09 rev F, 1478_P10 rev C, 1478_P11 rev D, 1478_P12 rev C, 1478_P13 rev C, 1478_P14 rev C (Ecological Enhancements), 1478_P15, 1478_P19 rev F, 1478_P20 rev B, 1478_P21 rev B, 1478_P22 rev A, 1478_P23 rev B, 1478_P27 rev B, 1478_P28 rev B, 1478_P29 rev B, 1478_P30

DLA-1993-L-01-rev 08

DLA-1993-L-02-rev 12

DLA-1993-L-03-rev 02

DLA-1993-L-04-rev 01

DLA-1993-RPT-LMP-02-rev 1

Tree Survey, Categorisation and Constraints Report (Steve Ambler & Sons, March 2020)

Planning, Design and Access Statement (Asbri Planning, July 2020)

PAC Report rev A (Asbri Planning, July 2020)

Transport Statement (Asbri Transport, October 2020)

Preliminary Ecological Assessment (Ecosupport, April 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

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

- a) dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition Activities;
- b) wheel wash facilities;
- c) noise mitigation measures;
- d) measures to minimise the impact on air quality;
- e) details of temporary lighting;
- f) details of enclosure of working areas;
- g) details of contractor parking areas and construction site accesses;
- h) pollution prevention and contingency measures.

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

Reason: In the interests of amenities and highway/pedestrian safety; and in accordance with policies GP2, GP4 and GP7.

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

Reason: To ensure that the development is completed in a manner compatible with its surroundings, in accordance with policy GP6.

04 Prior to the commencement of development a landscape method statement and management plan shall be submitted to, and be approved in writing by the local planning authority. The content of the plan shall detail how the Soft Landscape Scheme (drawing reference DLA-1993-L-02-Rev12) will be implemented and maintained, to include at minimum:

- a) Description and evaluation of features to be provided and managed
- b) Details of methods to create wildflower areas and initial aftercare to ensure establishment
- c) Prescriptions for ongoing management actions including a work plan capable of being rolled forward
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the development provides ecological net benefit as required in Planning Policy Wales Edition 10 and in accordance with policy GP5.

05 Prior to the commencement of development details of the rain garden raised planter shall be submitted to and approved in writing by the Local Planning Authority. The details shall include cross sections to show the depth of top soil. The rain garden raised planter shall be implemented in accordance with the approved details prior to the occupation of the approved development.

Reason: To ensure successful plant establishment and to provide a sustainable landscaping scheme, in accordance with policy GP5.

06 No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until the Root Protection Barrier fencing has been installed in accordance with the approved Tree Protection Plan. No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area. All weather notices on Heras fencing, 1 per 10 panels, stating 'CONSTRUCTION EXCLUSION ZONE NO ACCESS' shall be erected. The fencing shall be retained for the full duration of the development, and shall not be removed or repositioned.

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

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

- (a) Supervision and monitoring of the approved Tree Protection Plan;
- (b) Once the barrier fencing is erected, the approved Arboricultural Consultant must inspect and "sign off" in writing and submit a copy of this to the Local Planning Authority stating that the protective fencing is in the correct location and is fit for purpose- this will be the first watching brief .
- (c) Supervision and monitoring of the approved tree felling and pruning works;
- (d) Supervision of the alteration or temporary removal of any Barrier Fencing;
- (e) Oversee working within any Root Protection Area;
- (f) Reporting to the Local Planning Authority;
- (g) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Council's Tree Officer.

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

Pre –occupation conditions

08 Prior to the occupation of the development hereby approved a scheme for electric vehicle charging points serving the parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the occupation of the development and the charging points shall be retained thereafter in perpetuity.

Reason: In the interests of sustainability and air quality; and in accordance with policies SP1 and GP7.

09 Prior to the occupation of the development hereby approved the parking areas shown on drawing 1478_P05 rev K shall be implemented and available for use thereafter. The parking areas shall be retained in accordance with the approved details.

Reason: To ensure adequate parking is provided on site in the interests of highways safety and in accordance with policies GP4 and T4.

10 Notwithstanding the approved plans, prior to the occupation of the development hereby approved details of the cycle shelters shall be submitted to and approved in writing by the Local Planning Authority. The shelters shall include provision for the storage of a minimum of 7 cycles. The shelters shall be provided in accordance with the approved plans prior to the occupation of the development and retained thereafter.

Reason: To encourage the use of sustainable modes of transport, in accordance with policies SP1 and GP4.

11 Prior to the occupation of the development hereby approved the obscured glazing as shown in drawings 1478_P10 rev C, 1478_P11 rev D and 1478_P28 rev B shall be implemented and retained thereafter in perpetuity.

Reason: In the interests of residential amenity, in accordance with policy GP2.

12 Prior to the occupation of the development hereby permitted the Ecological Enhancement Plan (Drawing Ref 1478_P14 Rev C) shall be implemented in full and shall be retained as such in perpetuity.

Reason: To ensure the development provides ecological net benefit as required in Planning Policy Wales Edition 10, in accordance with policy GP5.

13 Prior to the commencement of development details of car park security measures shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a change in the road surface at the entrance to the car park (Squires Gate entrance) and signage to indicate the car park is private and for residents only. The security measures shall be implemented prior to the occupation of the development and retained thereafter.

Reason: In the interests of security and in accordance with policy GP2.

14 Prior to the occupation of the development hereby approved the refuse storage areas as detailed in drawing 1478_P15 shall be fully implemented and retained thereafter.

Reason: In the interests of residential amenity, in accordance with policy GP2.

General conditions

15 Other than the Red Maple detailed in the Tree Survey, Categorisation and Constraints Report (Steve Ambler & Sons) no existing trees shall be felled, topped or lopped, and no existing hedges shall be removed.

Reason: To protect existing landscape features on the site, in accordance with policy GP5.

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

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed, in accordance with policy GP7.

17 No development, to include demolition, shall commence until a Tree Protection Plan (in accordance with BS 5837:2012) has been implemented in accordance with the Tree Protection Plan submitted by Steve Ambler and sons 31 March 2020. The development shall be carried out in accordance with the approved Tree Protection Plan.

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

18 The scheme of landscaping hereby approved shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of the development. Thereafter the trees and shrubs shall be maintained for a period of 5 years from the date of planting and any 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 the satisfactory implementation of the proposal, 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, SP9, SP12, SP13, SP18, GP2, GP4, GP5, GP6, GP7, H2, H4, T4, CF12 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 The proposed development is crossed by a trunk/distribution watermain. Dwr Cymru Welsh Water has statutory powers to access our apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site. A 3m easement from the crown of the main in both directions should be observed and the ground cover above the main should not be changed.

5.

APPLICATION DETAILS

No: 20/1082 Ward: St Julians
Type: Full Application
Expiry Date: 1st February 2021
Applicant: Z Iqbal
Site: 22 Oak Street Newport NP19 7HL
Proposal: CHANGE OF USE OF PART OF DWELLING TO VEHICLE/TAXI
DISPATCH CALL OFFICE

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

1.1 This application seeks consent for the change of use of part of the residential dwelling to use as a vehicle/taxi dispatch call office. The property is a residential dwelling at 22 Oak Street in the St Julians ward.

2. RELEVANT SITE HISTORY

09/0739	CONVERSION OF WORKSHOP TO 2NO. STUDIO APARTMENTS	REFUSED
09/1050	CONVERSION OF WORKSHOP TO A DWELLING	GRANTED WITH CONDITIONS
10/0680	PARTIAL DISCHARGE OF CONDITION 01 (WINDOW DETAILS) OF PLANNING PERMISSION 09/1050	REFUSED
10/0728	PARTIAL DISCHARGE OF CONDITION 03 (SOUND PROOFING) OF PLANNING PERMISSION 09/1050	REFUSED
11/0078	PARTIAL DISCHARGE OF CONDITION 03 (SOUND PROOFING) OF PLANNING PERMISSION 09/1050	REFUSED
12/0185	PARTIAL DISCHARGE OF CONDITION 01 (WINDOW DETAILS) OF PLANNING PERMISSION 09/0150	APPROVED
12/0234	PARTIAL DISCHARGE OF CONDITION 03 (SCHEME OF SOUND INSULATION) ATTACHED TO PLANNING PERMISSION 09/0150	APPROVED
14/1265	RETENTION OF CONVERSION OF WORKSHOP TO A DWELLING (AMENDMENT TO PLANNING PERMISSION 09/1050)	REFUSED
15/1058	RETENTION OF CONVERSION OF	REFUSED

	WORKSHOP TO A DWELLING	
16/0156	RETENTION OF CONVERSION OF WORKSHOP AND OFFICES TO DWELLING	GRANTED WITH CONDITIONS

3. POLICY CONTEXT

- 3.1 Policies GP2 (General Amenity), GP4 (Highways and Accessibility), GP6 (Quality of Design) and T4 (Parking) and the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) are relevant to the determination of this application
- 3.2 Policy GP2 (General Amenity) states: development will be permitted where, as applicable:
- i) There will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;
 - ii) The proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;
 - iii) The proposal seeks to design out the opportunity for crime and anti-social behaviour;
 - iv) The proposal promotes inclusive design both for the built development and access within and around the development;
 - v) Adequate amenity for future occupiers.
- 3.3 Policy GP4 (Highways and Accessibility) states: development proposals should:
- i) Provide appropriate access for pedestrians, cyclists and public transport in accordance with national guidance;
 - ii) Be accessible by a choice of means of transport;
 - iii) Be designed to avoid or reduce transport severance, noise and pollution;
 - iv) Make adequate provision for car parking and cycle storage;
 - v) Provide suitable and safe access arrangements;
 - vi) Design and build new roads within private development in accordance with the highway authority's design guide and relevant national guidance;
 - vii) Ensure that development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network.
- 3.4 Policy GP6 (Quality of Design) states: good quality design will be sought in all forms of development. The aim is to create a safe, accessible, attractive and convenient environment. In considering development proposals the following fundamental design principles should be addressed:
- i) Context of the site: all development should be sensitive to the unique qualities of the site and respond positively to the character of the area;
 - ii) Access, permeability and layout: all development should maintain a high level of pedestrian access, connectivity and laid out so as to minimise noise pollution;
 - iii) Preservation and enhancement: where possible development should reflect the character of the locality but avoid the inappropriate replication of neighbouring architectural styles. The designer is encouraged to display creativity and innovation in design;
 - iv) Scale and form of development: new development should appropriately reflect the scale of adjacent townscape. Care should be taken to avoid over-scaled development;
 - v) Materials and detailing: high quality, durable and preferably renewable materials should be used to complement the site context. Detailing should be incorporated as an integral part of the design at an early stage;
 - vi) Sustainability: new development should be inherently robust, energy and water efficient, flood resilient and adaptable, thereby facilitating the flexible re-use of the building. Where existing buildings are present, imaginative and sensitive solutions should be sought to achieve the re-use of the buildings.
- 3.5 Policy T4 (Parking) states: Development will be required to provide appropriate levels of parking, within defined parking zones, in accordance with adopted Parking Standards.

4. CONSULTATIONS

4.1 None.

5. INTERNAL COUNCIL ADVICE

5.1 THE HEAD OF CITY SERVICES (HIGHWAYS): The site is located on Oak Street, a residential one-way street with speed restricted to 20mph by the provision of traffic calming features.

The application proposes to provide a taxi office within the existing property. The application form and Operators License forms state that the proposed taxi office will provide taxi services for school runs and will not require vehicles to attend the site which will be acceptable as no additional traffic will be generated by the proposal, however, this should be conditioned as the road network in the immediate area is narrow and likely to become congested with only a small increase in traffic at peak times.

I would therefore offer no objection to this application on highway grounds, subject to a suitable condition being applied to any full application consent that prevents the proposed taxis attending the site.

5.2 PUBLIC PROTECTION MANAGER: The application proposes to provide a taxi office within the existing property. The application form and Operators License forms state that the proposed business model is to provide taxi services for school contracts and will not require vehicles to attend the site, which will be acceptable in environmental health terms as no additional traffic, should be generated around the locality by the proposal.

I confirm I have no objections to the proposal; however, this is based no licensed holders and/or drivers to be parked or operate from the proposal address, with the exception of the private hire driver who is currently registered and resides at this address. Reason: To minimise noise disturbance to local residents.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (79 properties) and 45 letters of objection were received raising the following concerns:

- The streets behind caerleon road (oak street/Sutton road/Stockton road/Durham road) are all one way streets and residents already struggle to park outside their own houses.
- Along with the additional traffic from Glan Usk primary school being so close it is difficult to even drive down some of the streets during peak hours due to cars blocking the way.
- It is not clear what the benefit would be of placing a taxi rank in this location. Placing it in the middle of oak street would disrupt traffic flow especially for the residents living at the lower end of oak street and Stockton road.
- It is a residential area that has problems with parking as it is, if taxi's are allowed to wait outside the office this will exacerbate the problem. It is also a route to the near by Glan Usk School and could pose a danger to pedestrians by increasing traffic in the surrounding areas.
- The introduction of a taxi rank would cause much stress to residents trying to park near their homes in an already busy area and would severely increase traffic danger for our young residents.
- We already have a very busy area due to shops, junior school, through road to the motorway and high school within 2 streets of the proposal. It is chaos, noisy and very worrying to see the increase month by month.
- The surrounding roads act as parking spaces already for school runs which leave residents facing misery. Adding noise from more vehicles, less car spaces and increased footfall to area is not productive and not worth it.
- The streets are just too small to fit residents cars along with taxis too.
- Oak Street is a one way system going down the street. We have witnessed out of our front window several vehicles almost every day going up the street the wrong way- cars, vans, bicycles etc.

- Cars also cut through Bank Lane from Bank Street into Oak Street taking short cuts to turn left to go up Oak Street against the One Way system.
- We even have had Driving Instructors going against the 1 way system, surely there needs to be One Way painted markings on the road to stop these problems before accidents will happen.
- These streets are the main walkway to nursery & infant/junior school. They will probably be open 24/7 its not fair on the older residents.
- This area already has a parking congestion problem which has led to the need for parking enforcement officers.
- This area is also a school area and is very busy with children walking to and from school. There are concerns for the safety of children.
- There is no available off road parking in the vicinity of 22 oak street as it is purely a residential area, therefore I find this application completely inappropriate.
- Constantly our vehicles are damaged. Also white vans and large vehicles park here for days. These do not live in the road. Also artic lorries reversing down to bottom of road.
- The residents of the whole length of Durham Road and it's adjoining streets/roads are constantly vying with each other to be able to park near their homes and with the proximity of the school there are lots of children walking those streets and adding more traffic to the area can only add further danger.
- This is a residential area with very limited parking already, I've yet to see a taxi office without taxis parked outside It is close to a school which in itself increases parking and traffic at certain times during the day Will it be open 24hrs? Therefore causing more disruption for the residents of the immediate area and surrounding streets I stress again this is a residential area not a commercial one.
- I live opposite and this would be totally unacceptable in a residential area coming and going all hours of the day and night. Parking here is bad enough with the school run and throughout the day and evening, I've got to park streets away as it is.
- The proposed site due to the nature of the business is in the wrong place because it is within a densely populated residential area. There is already a big problem with parking on oak street, Stockton Road, Durham road, Bank street and Sutton Road. Almost none of the houses on oak street and the adjoining streets have off road parking. These residential streets are very small.
- Additional traffic in the surrounding streets from taxis travelling to and from the site for extended hours during the day and into the night will be noisy and disruptive as commercial vehicles tend to be predominantly diesel, which are noisy start up and idle. It is also well established the effects of pollution and particularly heavy metals from diesel cars can affect general health and the respiratory system. Increasing the number of cars on the streets, especially during school times exposes children to more pollution and more traffic as they cross the streets to travel to and from school.
- Access for emergency vehicles is already compromised with people parking illegally.
- Surely if a taxi has to pick up a child from the school it would be safer to use the carpark just over the bridge at the school entrance rather than jamming up a residential street even more?
- the council should have some care as to helping residents be able to park reasonably close to their homes to safely enter their properties? Something that will become even harder once there is a noisy taxi rank outside our houses.
- The planning application does not have any information regarding where the taxis will be dispatched from i.e. from outside the office, but we are also concerned about the possible excess noise the drivers could make if waiting around the office area for jobs/work.
- Impact on property prices.
- Potential noise nuisance/ anti social behaviour issues from persons waiting at the rank for a taxi
- The medical centre on Stafford Road is administering the COVID vaccine. This has places further stretch on already limited parking

6.2 COUNCILLORS: Councillor C Townsend commented that "once again I have been contacted by residents about this application. Can it go to committee if you are mindful of approving please?" The main reasons for calling the application to Committee are:

- The projected increase in car movements
- Lack of parking spaces
- Noise nuisance
- The likelihood of anti-social behaviour late at night and;
- Some of the pavements in the area are build outs, on which residents routinely park.

7. ASSESSMENT

- 7.1 This application seeks planning permission for the change of use of part of the residential dwelling to use as a vehicle/taxi dispatch call office. The property is a residential dwelling at 22 Oak Street in the St Julians ward.
- 7.2 The property is a detached dwelling located to the rear of 20 Sutton Road and 62 Stockton Road. The dwelling is the only property along this section of Oak Street that fronts onto Oak Street. The property is a two bedroom, two storey property.
- 7.3 The main considerations of this application are the potential impacts of the change of use on the character and amenity of the surrounding area and neighbouring properties and the impact on parking provision and highway safety. Policies GP2 (General Amenity), GP4 (Highways and Accessibility), GP6 (Quality of Design) and T4 (Parking) of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) are relevant to the determination of this application.
- 7.4 There are no external alterations proposed to the property. There are no structural internal alterations proposed as the applicant only needs to set up office equipment in the form of a computer, desk and filing cabinet in the existing lounge at the property. The lounge is found to the front of the ground floor of the property and would still remain in use as a lounge, but would also be used as the applicant's office. With working from home becoming increasingly necessary, this is not an unusual situation. The applicant has confirmed that the property would still be used as a dwelling alongside the taxi dispatch office. As there are no external changes proposed to the property, it is considered that the proposal would not result in a detrimental impact on neighbouring amenity or on the character and appearance of the host property or wider streetscene, therefore it is in accordance with policies GP2 and GP6. That said, the proposed use is material and the applicant effectively seeks permission for a mixed use at the site.
- 7.5 The applicant has confirmed that no other taxis/vehicles will be parked at the application site besides their own vehicle which is currently parked at the site. Parking on the public highway cannot be controlled by the Planning Authority. In regards to the management of the payment system for the taxi drivers, the applicant has confirmed the drivers will receive their pick up contact remotely, and drivers will keep a record on how many days they driven to school pick ups for example and will get paid the days they have worked. The applicant will send an invoice with the amount of days and the contract number to the Newport council/Licensing department (for school services) and the applicant will be paid into their Business account and will then pay the drivers into their accounts. The proposal would not involve drivers visiting the application site to deposit or collect payments. The applicant has also confirmed that no taxis will be parked at the application site whilst waiting for their contract/pick up but as stated above, the use of the public highway cannot be regulated by the Planning Authority in this way. Notwithstanding this, the applicant advises that the taxis that are not in use would be parked up at the individual driver's property or at their own taxi office (E.G Captiol Taxis, Dragon, Chow, Etc). As the vehicle will generally be the driver's own property and potentially act as a mixed business, personal use means of transport, such an arrangement appears reasonable and realistic. The drivers will still undertake their usual work and pick-ups/fares before and after the school contract. The applicant has stated that in rare cases 1 driver may visit the application site for a 5-10 minute period to visit the applicant, which is considered to be comparable to normal visits to a residential dwelling. However, whilst officer consideration is based upon the above information, it is clear that these types of offices can cause problems in terms of congestion and parking along with general activities potentially detrimental to amenity. Conditions are therefore essential to control and limit the use as proposed.

7.6 The highways officer has been consulted on the application and has confirmed that the application form and Operators License forms state that the proposed taxi office will provide taxi services for school runs and will not require vehicles to attend the site which will be acceptable as no additional traffic will be generated by the proposal, however, this should be conditioned as the road network in the immediate area is narrow and likely to become congested with only a small increase in traffic at peak times. The highways officer offers no objection to this application on highway grounds, subject to a suitable condition being applied that prevents the proposed taxis attending the site. Whilst the highway officers comments are noted, it is considered that a condition restricting the parking of taxis on the public highway outside the application site would not meet legal tests and therefore no such condition has been applied to this permission and the application must be considered on this basis. There are no parking restrictions immediately outside the application site, however it is noted that the road network in the immediate area is narrow and Oak Street and the surrounding streets are heavily parked with limited on-street spaces available during peak times. However, as parking demand would not increase at the application site or surrounding area as no taxis would be required to be parked or stored at the application site, and as there would be no notable increase in traffic movements with no taxis visiting the site (except the occasional rare visits to the property which would be comparable to people visiting a normal residential dwelling) it is not considered that the proposal would have a detrimental impact on highway safety or amenity. It therefore accords with Policies GP4 and T4.

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.

8.5 ***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.

8.6 ***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 change of use of part of the residential dwelling to use as a vehicle/taxi dispatch call office would not have a detrimental impact on the residential character and appearance of the surrounding area. As the proposal would not result in an increase in parking demand or traffic movements at the application site or surrounding area, it is considered that there would not be a harmful impact on highway safety or residential amenity subject to suitable conditional controls being applied. Based upon the information provided, there is no robust reason to refuse permission. The proposal would be in accordance with policies GP2, GP4, GP6, GP7 and T4 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the Houses in Multiple Occupation SPG (adopted January 2017).

9.2 Planning permission is granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Site Location Plan, Existing and Proposed Floor Plans, Email confirming no other taxis will be parked at/wait at the application site (received 18th December 2020) and Email confirming payment management/booking system (received 20th January 2021). Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based

02 The use of the property shall be as a mixed use dwelling and taxi dispatch booking/call office only and at no time shall operate only as a taxi dispatch call office. The taxi dispatch call office shall at no time incorporate customer or driver waiting or welfare areas. All bookings and payments associated with the use shall be performed remotely at all times.

Reason: In the interests of highway and pedestrian safety and to protect residential neighbours from noise and disturbance in accordance with policies GP2, GP4 and T4.

03 The hours of operation of the taxi dispatch call office shall be restricted to 07:00 to 18:00 Monday to Friday, and at no times on Saturdays, Sundays, Bank or Public Holidays. Outside of these hours the premises shall be used solely as a residential dwelling.

Reason: To protect residential neighbours from noise and disturbance in accordance with policies GP2, GP4 and T4

04 The applicant shall keep a detailed log of all bookings taken and dispatched from the office hereby approved. This log shall include taxi vehicle details/registration, date and time of dispatch and details of the booking. This log shall be available for inspection by Planning Officers upon request.

Reason: In the interests of amenity, parking and highway safety and in accordance with policies GP2, GP4 and T4.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan, Existing and Proposed Floor Plans, Email confirming no other taxis will be parked at/wait at the application site (received 18th December 2020) and Email confirming payment management/booking system (received 20th January 2021).

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

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

04 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.

6.

APPLICATION DETAILS

No: 20/1171 **Ward:** Stow Hill

Type: Full Application

Expiry Date: 2nd February 2021

Applicant: D Guscott

Site: *Museum And Central Library 4 John Frost Square Newport NP20 1PA*

Proposal: **CHANGE OF USE FROM D1 TO MIXED USE (A2, B1 AND D1) FOR THE RELOCATION OF THE INFORMATION STATION AND ADDITIONAL SERVICES**

Recommendation: **GRANTED WITH CONDITIONS**

1. INTRODUCTION

1.1 This application seeks planning permission for the change of use of the existing Museum and Library building (class D1) in John Frost Square to co-locate the information station and other services classed within B1 and A2. This would result in a mixed use development within classes A2, B1 and D1.

1.2 The application is brought before Planning Committee as the Council has an interest in the building.

2. RELEVANT SITE HISTORY

None.

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 **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 **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 **CF12 Protection of Existing Community Facilities** permits the change of use of buildings currently used for community facilities provided alternative provision can be made in the vicinity or it can be demonstrated that the existing provision is surplus to the needs of the community.

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

Policy **R1 City Centre Schemes** Redevelopment schemes to enhance the provision of retail facilities in the City Centre will be favoured providing they are appropriate in scale, design and character

Policy **R3 Non retail uses** in Secondary City Centre Shopping Areas provides criteria for non-retail uses at ground floor.

3.2 **SUPPLEMENTARY PLANNING GUIDANCE:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The SPG Archaeology and Archaeologically Sensitive Areas is relevant.

4. **CONSULTATIONS**

4.1 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: No response.

5. **INTERNAL COUNCIL ADVICE**

5.1 PLANNING POLICY MANAGER: The site is designated:

- Archaeological Sensitive Area (no external or below ground alterations - no objection on this basis)
- Secondary Retail
- Urban Boundary
- Flood Zone B
- City Centre Shopping areas

As the site is in Secondary Retail, Policy R3 applies, however it is already not in a retail use (change is from a non-retail to non-retail), so regarding R3 i-iv there wouldn't be any net change in the figures.

Policy R1 – while the proposal is not adding retail there's no loss either, and the proposed uses are all appropriate city centre uses and

CF12 – There will be a partial loss of a community facility floor space, from all D1, to (D1-70.5% A2-11.6% B1-17.9%) The Planning Statement notes "The site is open to the public and operating as the Central Museum, Library & Art Gallery with some community learning provision available. The total space available within the building is currently underutilised." The proposed use "customer service centre" (previously in the 'information station') is considered to provide a community facility type function, and will make a more efficient use of the building while retaining the community facility provision of the building as a whole.

5.2 HEAD OF CITY SERVICES (HIGHWAY): In accordance with the Newport City Council Parking Standards, the site is located within zone 1 (City Core). The location is highly sustainable due to the proximity of a number of services/facilities and public transport links, parking is therefore not required. Given that the servicing arrangements will remain unchanged I would offer no objection.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties with a common boundary (9 in number) consulted but no response received.

7. ASSESSMENT

7.1 The site is located on John Frost Square and comprises a five storey building with a small entrance at ground floor. The surrounding area is dominated by retail and leisure uses of Friars Walk and the Kingsway Centre. The site is located outside of the Town Centre Conservation Area but is sited within a designated archaeological sensitive area. The building currently operates as the Central Museum, Library and Art Gallery with some community learning provision available. The applicant states that the total space within the building is under-utilised.

7.2 Members will recall the change of use application (20/1032) which was granted planning permission at Committee in January to change the use of the existing Information and Contact Centre to a co-working office space. To enable that to happen, the Information Station would be relocated to the Central Museum and Library building. It is proposed that the Library, Museum and Gallery use will be retained within half the buildings available floor space in the east side of the building and the Information & Contact Centre will operate within the west side. No external changes to the building are planned.

7.3 It is proposed that the ground floor will remain as the main entrance for both uses with a reception area proposed for the Information Centre. No changes are proposed within level 1 which will remain as the main Museum and Library area. Within level 2, a change of use is proposed for the mezzanine area to accommodate the customer Information Centre which would be accessible by members of the public. The D1 use will be retained outside this area to continue to operate as the upper Museum and Gallery within the east side of the building with the existing reference libraries to be relocated into vacant space use.

7.4 Level 3 will retain a D1 use in the area occupied by the Art Gallery above the Level 2 Museum and Gallery in the east side of the building. Permission for B1 use is sought for Level 3 areas currently occupied by classrooms and multiagency suite in the west side of the building to act as offices for the Information Centre. In level 4, B1 use is sought for the west side mezzanine to operate as the Information Station offices. The south end of the building will remain D1 use accommodating the relocated archive from the mezzanine and Gwent Education Minority Ethnic Service.

7.5 Policies SP12 and CF12 are relevant and both look to promote and retain such community facilities. SP12 states that development that affects existing community facilities should be designed to retain or enhance essential facilities. Policy CF12 permits the change of use of buildings currently used for community facilities provided alternative provision can be made in the vicinity. It was accepted on the change of use application for the existing information centre mentioned above that its proposed relocation to the Museum and Library satisfied the policy. It is also acknowledged that the presence of the Museum, library and art gallery will be maintained and arguably enhanced as more visitors will be attracted to the building. It is considered that the proposal is not at odds with these policies.

7.6 As stated, the site is located within a Secondary City Centre Shopping area but it is not in retail use. In terms of policy R3 criteria:

- i) the proposal, either on its own or in conjunction with adjoining units, would not result in a break in the retail frontage of more than 20 metres;
 - ii) the proposal would not result in a gap in the retail frontage of more than 2 units;
 - iii) requires at least 60% of any frontage length is maintained in retail use
- and
- iv) the proposal does not involve a prominent or corner unit

As the current use is not retail, the proposal is not adding a retail use and is not changing the existing pattern of development. It is also considered that the proposed use is a complimentary City Centre use which will encourage a large foot fall which would help and may improve the vitality of the Town Centre. It is therefore considered that the proposal is not at odds with Policies R1 and R3.

- 7.7 In terms of highways and policy GP4, the site is located within the City Centre in Zone 1, in close proximity to the bus station, other forms of public transport and cycle routes. It is considered to be in a highly sustainable location; as a result, it does not require the provision of on-site parking, as confirmed by the Council's Highways Officer.
- 7.8 In terms of archaeology the application site is located within a designated archaeological sensitive area. However, as no external or beneath ground works are proposed, there should be no impact upon the 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.

8.5 *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.

8.6 *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 It is considered that the proposal would not be at odds with the character of the area and complies with national and local policy. It is recommended that the application is approved subject to the following conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents NPS-PB-DR- (GF) 01 (L-01) 01, -(L-02) 01, -(L-03) 01, -(L-04) 01.

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, SP12, GP2, GP4, CE6, T4 and CF12 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 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: 20/1126 **Ward:** St Julians

Type: Full Application

Expiry Date: 5th February 2021

Applicant: R Watkins

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

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

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 Bungalaw, 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 Bungalaw.
- 1.2 Outline planning permission was granted in 2016 for the erection of two dwellings at the site but Reserved Matters were not submitted in accordance with standard conditions and the outline permission lapses 25th January 2021. Therefore, at time of Committee, the site has no residential permission and no fall back. Full planning permission was recently refused for the construction of 2no semi-detached dwellings and parking for the following reasons:
- 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).*
- 1.3 The site is within the settlement boundary and constitutes previously developed land being residential curtilage. The principle of residential development is therefore acceptable. The main considerations of this application relate to design, highway safety/parking, the amenity of future occupants and neighbouring occupants and financial obligations.
- 1.4 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
20/0309	CONSTRUCTION OF 2NO THREE BEDROOM SEMI DETACHED HOUSES WITH ASSOCIATED PARKING AND EXTERNAL AMENITY AREAS	REFUSED

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 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): We would anticipate the property be serviced by standard waste and recycling collections.

From April 1st 2020, developers or owners of all new residential units will be required to purchase bin provision for each unit serviced to meet the Council's specification. 120L, 180L, 240L and 360L wheeled bins must be purchased/obtained from Newport City Council. 660L and 1100L bins can be purchased elsewhere but it is strongly recommended to speak to NCC Waste Management Refuse Management beforehand to ensure the bins fit the Refuse Department collection vehicles safely. Failure to purchase correct bin(s) will result in collections being suspended with the Council reserving the right to refuse collection until suitable bin specifications are met.

5.4 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): I refer to the above planning application ref 20/1126 which was received on 27 November 2020 and is a resubmission of application 15/0840.

The site is located on Bank Street, a residential road with a 20mph speed limit. Access to the site will be gained off Bank Street which will require that vehicular visibility splays of 2.4m x 25m and pedestrian visibility splays of 2.0m x 2.0m, which should be raised to prevent vehicle overrun and to maintain sight lines in which there are no obstructions above 0.6m will be required from all parking spaces.

The applicant has submitted drawing 1469:PL:209 Visibility Splays which shows adequate vehicular visibility, however, the pedestrian visibility splays have been drawn incorrectly and should comprise 2.0m x 2.0m splays measured from the edge of the parking space in accordance with provide acceptable inter-visibility between vehicles emerging from the site and pedestrians using the footway.

Should the application be approved the applicant will need to contact City Services to apply for a drop kerb and vehicle crossover. Any existing redundant dropped kerbs should be stopped up and returned to highway.

I would therefore raise no objection to this application on highway grounds subject to receipt of a plan showing acceptable pedestrian visibility splays.

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 1no off-street parking spaces to the front. The design of the properties includes staggered front elevations in order to accommodate the parking spaces to the front of the dwellings. 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. In terms of materials the properties would feature a mix of dark-red brick and light coloured render. Flat roofed dormers are proposed at the rear to accommodate bedrooms 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. Small windows serving the stairwell are proposed in the side elevations. The internal layout would comprise a study, wc, kitchen and living room at ground floor with an ensuite 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 previous 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, planning permission was recently refused for the construction of 2no semi-detached dwellings and parking with poor design being the main reason for refusal. The design of the dwellings has been amended and the applicant has provided a street elevation drawing (see below), 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. The height of the new dwellings would exceed the maximum ridge height of 8m specified in the above condition pertaining to the Outline consent. 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 and unsympathetic relationship creating a dominant block in between the existing units. The bungalow abuts the back edge of pavement and is therefore set furthest forward whilst the main section of the proposed units would be in line with the adjacent semis. The side extensions will be set back to allow one off street parking space to be provided but these sections will be clearly visible and there elevated eaves and ridge will be at odds with prevailing levels and detailing. Consequently, it is considered that the proposed dwellings would appear unduly prominent within the street scene and out of keeping with its surroundings. The street elevation drawings only serves to illustrate this.



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 treatment of the front elevations is not innovative. Rather, it is entirely out of keeping with the design of neighbouring properties and subsequently the proposed dwelling would jar with the local vernacular. Furthermore, the mixed proportions of the glazing and stepped eaves bear no relationship to neighbouring design characteristics. 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 at Bank Street but it will be visible in gaps between units off High Bank. The asymmetrical gable pitch and 3 storey design of the rear elevation further accentuate the inconsistency and unsympathetic design of the proposal and it is considered to be poor design overall. The height of the units could be reduced but this would result in the loss of attic accommodation that the applicant has proposed. Alternatively, a single unit could be proposed if a larger internal floor area was sought. No pre application discussion was sought with the Authority bearing in mind the previous refusal on design grounds.



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. Upper floor windows are proposed within the side elevation of the new dwellings which would serve the stairwell. If planning permission were forthcoming it is considered that it would be necessary to impose a condition requiring these windows to be obscure glazed and fixed shut in the interests of neighbouring amenity. 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. The level of parking provision is sufficient on the basis of the sustainability assessment that has been undertaken. The applicant has provided a drawing showing the required visibility splays.

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.

8.5 *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.

8.6 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 staggered front elevations would be a defining feature, breaking up the front façade in a manner that is detrimental to the development's appearance. Fenestration detailing and materials is also of concern and the units height, greater than its neighbours, will make it a prominent feature of the street scene, 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 bearing in mind the size of the two dwellings proposed.

9.2 It is recommended that the application be refused.

10. RECOMMENDATION

REFUSED

01 By reason of scale, location and poor design the proposals would be unduly dominant, out of keeping and unsympathetic to the character and appearance 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:PL2:01, 1469:PL:202A, 1469:PL:204, 1469:PL:205, 1469:PL:206, 1469:PL2:08, 1469:PL:209A Design and Access Statement.

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.

8.

APPLICATION DETAILS

No: 20/1184 **Ward:** St Julians

Type: Full Application

Expiry Date: 4th February 2021

Applicant: J Nagra

Site: 92 Durham Road Newport NP19 7DS

Proposal: **CHANGE OF USE OF A 4 BEDROOM DWELLING (C3 USE) TO A FIVE BEDROOM HOUSE OF MULTIPLE OCCUPATION (C4 USE)**

Recommendation: Granted with Conditions

1. INTRODUCTION

- 1.1 This application seeks planning permission for the change of use of a dwelling to a five bedroom house in multiple occupation. The property is located within a residential area in the St Julians Ward.
- 1.2 The property is a mid-terrace with a small forecourt to front and enclosed rear garden. The layout of the property currently comprises a lounge, dining room and kitchen at ground floor with four bedrooms at first floor. The proposed layout would comprise two bedrooms and kitchen at ground floor and three bedrooms at first floor and a small communal office.
- 1.3 The application is being referred to Planning Committee at the request of Councillor Townsend due to concerns about parking, waste and recycling, as well as increased noise and possible anti-social behaviour.

2. RELEVANT SITE HISTORY

None.

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 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 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 proposals should make adequate provision for car parking and ensure that development would not be detrimental to highway or pedestrian safety.
Policy H8 Self Contained Accommodation and Houses in Multiple Occupation sets out the criteria for subdividing a property into self-contained flats. The scheme must be of appropriate scale and intensity not to unacceptably impact on the amenity of neighbouring occupiers and create parking problems; proposals must not create an over concentration in any one area of the city; and adequate noise insulation is provided and adequate amenity for future occupiers.
Policy T4 Parking states that development will be expected to provide appropriate levels of parking.

- 3.2 The following Supplementary Planning Guidance is relevant:

4. CONSULTATIONS

4.1 None.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF CITY SERVICES (HIGHWAYS): The proposal has altered and the applicant now seeks a change of use from a 4 bed dwelling to a 5 bed HMO. In accordance with the Newport City Council Parking Standards, the existing 4 bed dwelling generates a parking demand of 3 spaces. The proposed 5 bed HMO generates a parking demand of 6 spaces at a ratio of 1 space per unit plus 1 visitor space. The resultant increase in parking demand is 3 spaces and no off street parking provision is available.

The applicant has submitted a parking survey which assesses the existing on street parking stress within 200m of the site. The applicant has confirmed that when determining the on street capacity they have taken into consideration any accesses and pedestrian crossing points. The maximum occupied number of spaces was determined to be at 88%. When adding the additional parking demand associated with the proposed use, the parking stress increases to 90%. Whilst it's acknowledged that there is a high demand for on street parking in this area, the applicant has demonstrated that capacity is available to accommodate the additional demand. I would therefore offer no objection to the application.

5.2 HEAD OF CITY SERVICES (WASTE): We anticipate the property be serviced by standard kerbside waste and recycling collection. The number and size of refuse containers provided will be dependent on whether a single or multiple council tax is paid. For a household of 5 people a 180litre bin would be provided for residual waste unless individual council tax is paid for each occupant.

From April 1st 2020, developers or owners of all new residential units will be required to purchase bin provision for each unit serviced to meet the Council's specification. 120L, 180L, 240L and 360L wheeled bins must be purchased/obtained from Newport City Council. 660L and 1100L bins can be purchased elsewhere but it is strongly recommended to speak to NCC Waste Management Refuse Management beforehand to ensure the bins fit the Refuse Department collection vehicles safely. Failure to purchase correct bin(s) will result in collections being suspended with the Council reserving the right to refuse collection until suitable bin specifications are met.

5.3 HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH LICENSING): I have no objection to this property being a 5 bedroom shared house in multiple occupation based on the amended floor plans, provided the property achieves the standards expected for a house in multiple occupation licenced by Newport City Council (previously attached). However, please also note my comments below most of which were provided previously;

- The kitchen area must contain suitable facilities for five persons. The communal living area of the kitchen should be allocated as such. For five persons the kitchen area should be at least 7m² and the communal area at least 10m².
- Appropriate fire safety precautions would need to be present.
- Each ensuite would require suitable mechanical ventilation where there is no openable window within the room itself.
- All rooms including ensuites would need to be provided with a suitable fixed form of heating.
- Suitable waste management arrangements would need to be in place upon occupation as a HMO.

If it is intended for the dwelling to be converted into a House in Multiple Occupation under the Housing Act 2004, Part 2, where it will be occupied by more than two households, the most appropriate person (usually the landlord/owner of the property) should apply to the Environmental Health Housing Team on 01633 656656 or hmo@newport.gov.uk for a [HMO licence](#).

In addition to HMO Licensing, private landlords are required by the Housing (Wales) Act 2014 to be registered. Also private landlords who undertake letting and management activities or their managing agents, will need to obtain a licence from Rent Smart Wales and undergo training. For further information contact the Licensing Authority; Cardiff City Council, Rent Smart Wales, PO Box 1106, Cardiff CF11 1UA, Tel No: 03000 133344, website www.rentsmartwales.gov.wales

5.4 HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH NOISE AND POLLUTION): The application site comprises a substantial two-storey terraced property that is positioned on Durham Road. Full planning permission is sought by the applicant for the change of use from a dwelling house to a 5 person house in multiple occupation (C4 use). As the development will be covered under the Housing Act 2004, Part 2 and associated housing legislation, I have no comments to add to this application as concerns over room sizes and our Environmental Health Housing Team will comment on amenities for the intended occupiers.

Our response is based on the information provided at this time, should the proposal alter during the planning process we kindly request that you re-consult and we reserve the right to make new representation.

6. REPRESENTATIONS

6.1 NEIGHBOURS: Properties within 50m were consulted (73 no properties) and a site notice was displayed. 8No responses have been received objecting to the proposals as summarised below:

-Parking is a real problem especially the area of road where this house is situated because of the doctors on Stafford road and chemist on Durham road, we residents have no option but to except the issue of parking because of the doctors, if this application is granted then the traffic calming islands need to be removed to allow for more parking. Please consider the residents before any application is granted;

- Maybe it would be possible to introduce residents only parking with one space allocated to each house?

- Most dark nights after work I have to park in the next street over, there is not enough as it is without 6 - 12 people being added to the street. We already have problems with skips and caravans also being allowed to be left in the street unmoved for years.

- This is built up area and all terraced housing with no sufficient front areas. The disturbance of that many people coming and going from one property from different households will affect the residents in the street. There is only enough room for one entrance;

- Waste and refuse - these houses weren't built for that many people. Has the sewage waste and external rubbish waste been considered. Each house is only entitled to one bin which I fill and I only live alone. There is no suitable outside area at the front of the property to keep such extra recycling and waste, this would end up being left on the streets. We already have problems with mice because of the surrounding lanes and rubbish discarded;

-These houses have paper thin walls and are not built for multiple occupations. The noise disturbance would be horrendous for number 90 and 94;

-This is in addition to the application sent out last week for a taxi rank at the other end of Durham Road. I don't understand where everyone thinks parking space is going to suddenly appear from, its causing disputes already without these additional applications.

-The proposals seem excessive for the size of the property;

-The parking in Durham road has become exacting especially over the last two years when a block of 55 dwellings was erected on the grounds of the former Durham road school. One parking space allocated to the resident and no parking spaces for visitors to these properties, only having to use Durham road as an overflow parking element. Adding to this there are a Chinese takeaway, social club, and coroner shop situated on both ends of Durham road a few door down from my property. I am a 75 old pensioner who is not able to park outside my own property and have to park my car in side streets off Durham road causing undue stress having to walk with bags of shopping from where I have had to park my car back to my own home in Durh

to have a hip replacement and has reduced mobility. When you take the current parking situation into the account, then adding a further planned six residents who could have vehicles, who are occupying the HMO at 92 Durham Road, there will be a shortfall of parking spaces. I and my husband have been residents of Durham Road since 1965. I feel for the Council's planning department to approve this application would be unfair to long-standing residents who are in the same position as me when trying to find a parking space near their property.

- This house should be left as a family home like the rest of Durham Road.

- I have problems with my next door neighbour as I can hear him through the walls and he regularly has friends over with loud music and shouting. I can even hear my other next door neighbour's TV on all of my 3 floors so the sound that this property will make with so many residents will be unbearable for the direct neighbours and we have quite a few elderly on our street. There's plenty of student accommodation in Newport that they do not need more to make people's lives a nightmare!

6.2 COUNCILLOR TOWNSEND: If this application is likely to be approved, then it should go before the planning committee. Durham Road has massive problems with parking. It is a long, terraced street, with a newly -built block of flats/houses, a couple of businesses, and a social club.

When the new housing complex opened, there was already a shortfall of on-site parking provision.

I get regular calls from people complaining that they can't park near their own homes.

Shoppers on Caerleon Road also use Durham Road to park, sometimes leaving their cars there for more than a "few minutes."

We have seen a recent upsurge in HMOs in the Caerleon Road corridor, and an HMO for this number of people, is not sustainable - unless it were possible to place a ban on them owning cars!

The area is a district centre, which is a positive, but in general, people will not use an infrequent bus service, when they can use a car.

There are the usual concerns about waste and recycling, as well as increased noise and possible anti-social behaviour.

7. ASSESSMENT

7.1 The main considerations of this application are the potential impacts of the change of use on parking provision and highway safety as well as the impact on the character and amenity of the surrounding area and neighbouring properties. The Council's Supplementary Planning Guidance (SPG) Houses in Multiple Occupation (HMOs) updated January 2017 and Newport City Council's Parking Standards 2015 are also relevant.

7.2 The Newport City Council Supplementary Planning Guidance on Houses in Multiple Occupation (adopted August 2015, updated January 2017) seeks to avoid clusters of HMOs as they can alter the composition of a community and detract from local visual amenity. It also states that the Council will not support a planning application that would take the number of HMOs above 15% within defined areas, measured within a 50 metre radius of the application property. A 50m radius captures 45no. residential properties and of these 1no. are existing HMOs and a further 1no. property. As such, the existing and approved HMOs within the radius equate to 10%. Including the proposed HMO this would equate to 2.2%. Therefore, the proposed conversion does not conflict with the Council adopted SPG insofar as this threshold is concerned.

7.3 Notwithstanding the above, whilst the proposed change of use would not result in the number of HMO's in the area exceeding 15% it is necessary to consider whether the proposal is acceptable in respect of other material considerations. The impact of HMOs on social cohesion and community wellbeing is a material consideration. Evidence of problems associated with HMO's can include inadequate refuse storage arrangements or poorly maintained frontages, or quantified evidence of impacts on community cohesion. This was not evident at the time of a recent site visit with the majority of properties in the area appeared to be in a good state of repair with no obvious signs of problems associated with a high concentration of HMO's. As noted above, the property has the benefit of a small front forecourt which provides sufficient space for recycling boxes and waste bins, as well as a

rear garden which would enable residents to sit out and dry clothes etc. All of the rooms comply with the Environmental Health Licensing section of the Council's Standards in terms of room sizes for HMOs.

- 7.4 An internal research paper (unpublished) was prepared by Newport Council's planning team as a background report to the SPG to evaluate any evidence of harm caused by concentrations of HMO's within the city. The number of HMO's was compared to the actual number of households within a defined geographical area, namely lower layer super output areas (LSOA), which are used for the Census. Information was pulled together relating to complaints linked to licenced HMO's and crime rates within these areas.
- 7.5 Durham Road falls within Lower Super Output Area St Julians W01001680, which is shown to have the 19th highest concentration of HMO's (1.176 out of 44 Lower Super Output Areas). The paper concludes that the evidence collected does demonstrate that there is a correlation between high concentrations of HMOs and negative complaints made to the Council, and recorded crime and that therefore the Council should continue to try and control the concentration of HMOs. The Council has recently refused planning permission for a HMO (18/0459 3 York Place) based on the findings of this paper which showed that in that particular instance, despite not exceeding the threshold within the SPG, the ward in which the HMO was located was shown to have the highest concentration of HMO's (7%), the highest number of complaints (33) and the highest numbers of recorded crime (1441 incidents) in the city. The paper shows that 4 complaints were received by the Council's Environmental Health department in a period of 18 months relating to HMO's in the area in which the application site is located. To give this some context, the highest number of complaints relates to the Stow Hill W01001687 lower super output area where 33 complaints were received in the same period. This decision was subject to an appeal which was recently allowed. On the matter of such data the Inspector noted that whilst local residents and the Council have genuine concerns about the potential for an increase in anti-social behaviour, there is no firm evidence to attribute this to existing HMO's within the vicinity. In any case, in this instance given that the change of use would not result in an exceedance of the 15% threshold it is considered that the Council would struggle to identify harm resulting from the presence of a further HMO in the area and it is not considered that the addition of a HMO in the area would be detrimental to the character of the area and the amenity of neighbouring residents. As such the proposal is considered to comply with the aims of policies GP2 and H8 of the NLDP 2011-2026 (adopted January 2015).
- 7.6 In terms of parking provision in accordance with the Council's Parking SPG the demand created by the existing property is 3no. spaces and the proposed use would have a parking demand of 6no. spaces (1 space per bedroom and one visitor parking space). The proposals would therefore result in an increased parking demand of 3no spaces. The property has no off-street parking provision and given the terrace nature of the properties parking is considered to be in high demand. The applicant has undertaken a parking survey and has submitted the findings with the application. The survey has been undertaken in line with best practice methodology and the survey area extends no further than 200m of the site with a car length being 6m. In response to the survey the Head of Streetscene has advised that the maximum occupied number of spaces was determined to be at 88%. When adding the additional parking demand associated with the proposed use, the parking stress increases to 90%. The Head of Streetscene acknowledges that there is a high demand for on street parking in this area. However, the applicant has demonstrated that capacity is available to accommodate the additional demand and therefore offer no objection to the application. Officers have visited the site on separate occasions to observe parking levels. Whilst they were found to be in high demand and particularly so on a late Saturday afternoon in January, there were several spaces available in the vicinity (albeit not directly outside the property on one occasion) and there is considered no justification to doubt the findings of the parking survey undertaken by the applicant.
- 7.7 Neighbouring objections relating to parking are duly noted. However, the fact on street space may not be plentiful at all times has proven to not be a robust reason to refuse planning permission. Inspectors assume that car ownership in HMO properties will be lower and most notably in sustainable locations such as this. When taking account of the recent appeal decisions, the generally positive attitude of the Welsh Inspectorate to HMOs in sustainable locations irrespective of whether they are in high demand for parking, the parking survey undertaken

by the applicant and the lack of objection from the Council's Highway officer, it is considered that there is sufficient on-street capacity in the area to accommodate the additional demand that the proposed HMO would result in without significant and demonstrable adverse effect on neighbouring amenity. Given the highly sustainable nature of the site officers recommend that there is no demonstrable harm resulting from the proposals in terms of either highway safety or neighbouring amenity. Overall, it is considered that the proposal would not result in an adverse impact on matters of highway safety and complies with the aims of Policy GP4 of the NLDP 2011-2026 (adopted January 2015).

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.

8.5 ***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.

8.6 ***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.

- 9.1 The proposed change of use would not result in an exceedance of the threshold set out in the Council's Guidance and it is not considered that the proposals would result in a demonstrable impact to the character of the area.
- 9.2 When taking account of the recent appeal decisions, the generally positive attitude of the Welsh Inspectorate to HMOs in sustainable locations irrespective of whether they have off street parking and the information provided to demonstrate that the parking associated with the development can be accommodated on street, the proposals are considered to be acceptable in terms of parking.
- 9.3 It is not considered that the proposals would result in an adverse impact to neighbouring amenity.
- 9.4 It is recommended that the application is granted subject to the following conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Proposed floor plan (showing 5no bedrooms).

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

Pre-occupation

02 Prior to first occupation of the development hereby approved, a scheme for the provision of waste storage and recycling 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: In the interests of amenities in accordance with Policy GP2 of the NLDP 2011-2026 (adopted January 2015).

General conditions

03 The property shall have a maximum of five bedrooms and five occupants.

Reason: To protect the amenity of adjoining occupiers, highway safety and in the interests of flood risk safety in accordance with Policy GP2 and GP4 of the NLDP 2011-2026 (adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Existing and proposed floor plans (showing 5no bedrooms), Supporting statement and Parking survey

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, GP2, GP4, H8 and T4 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.

This page is intentionally left blank

APPLICATION DETAILS

No: 20/0748 Ward: **Llisbury**

Type: Full And Environmental Statement

Expiry Date: **19th February 2021**

Applicant: **C Donovan**

Site: **Uskmouth Power Station West Nash Road Nash Newport South Wales**

Proposal: **ERECTION OF SILOS AND DE-DUSTING BUILDING, EXTENSION TO RAIL UNLOADING FACILITY, NEW ABOVE GROUND CONVEYORS AND ANCILLARY DEVELOPMENT**

1. LATE REPRESENTATIONS

1.1 One late representation received from the agent responding to questions/queries raised by the case officer pursuant to queries raised by a local Councillor:

1.2 Officer questions are highlighted in red:

Why can't the rail line be utilised more including for export of ash?;

1. Road based export has been determined for the ash because:

- The ash is recycled and reused as a binding agent in construction projects. It is expected that ash will be exported locally with multiple destinations, which does not align with movement by rail which requires bulk materials over long distances for it to be feasible;
- Ash can fuse together when being transported by rail due to moisture ingress (there are bespoke transportation storage facilities available for HGVs to overcome this but not for rail);
- There needs to be a railhead at the other end of the transport route and even if transport by rail could be made to work and be viable, there would be no guarantee of a railhead being available, therefore, the consent needs the option of ash being transported by road.

Why have you identified a maximum of 62 operational HGV movements per day? Can this be reduced?

2. 62 HGV movements per day is the worst case scenario and is broken down as follows:

- HGV deliveries of limestone per day = 5 (= 10 HGV movements per day).
- HGV exports of ash per day = 22 (= 44 HGV movements per day).
- HGV deliveries of reagents = 2 to 3 (= average of 5 HGV movements per day).
- Sub-total = 59 HGV movements per day.

The Transport Assessment also assessed an average of 3 HGV movements per day associated with the delivery of biomass during the first year of operation (1 to 2 HGV deliveries per day = average of 3 HGV movements per day). 3 + 59 = 62 HGV movements per day. However, it is no longer proposed for biomass to be delivered. Therefore, although 62 HGV movements per day is assessed, only 59 HGV movements per day would be generated. **59 HGV movements per day are estimated to be generated on a typical day and is the number of movements that should be conditioned.** The Transport Assessment sets out that if a better calorific value (CV) of the waste can be achieved, then 56 HGV movements per day are estimated to be generated on a typical day. However, the Transport Assessment does not assess this as it is a lower number than those which have been assessed.

The TA also identifies a maximum of 71 movements to allow for daily variance...

3. The Transport Assessment mentions 71 HGV movements per day as a variance, however, this was only for the purposes of comparing the HGV movements generated by the former power station use and for that purpose only.
The assessments assume that all of the HGV movements are new to the highway network.

Do you have anticipated traffic flows associated with the fallback of 50/50 coal and biomass?

4. The assessments do not allow for the fallback position in any way.

The ES models from current background not the fallback and whilst I appreciate this is more sensitive, I also consider that references to the previous use relate to a scenario that is not realistic. The site will not revert to 100% coal combustion

5. The Transport Assessment makes a comparison of HGV movements generated by the proposals against the former use, but it is only this comparison that is made and no allowance has been made for these former HGV movements.

I also note that West Nash Road has a 60mph speed limit (except where it reduces by Nash Village) which is entirely unsuitable for HGV traffic and details of speed restrictions to be imposed upon plant related traffic will need to be provided and can be secured via a CEMP

6. **The applicant is content to provide a financial contribution for NCC to progress a Traffic Regulation Order to reduce the speed limit(s) on West Nash Road to a speed limit(s) that NCC can support that accords with Welsh Government/Department for Transport guidance.**

The ES shows a 100% increase in HGV traffic on local roads, notably West Nash Road and Nash Road. The nature of these roads is such that they will suffer increased risk of structural damage and increased maintenance cost to the public authority. I note that a UU was agreed as part of the construction phase of the gas fired station to provide a fund for road repairs over the

construction period and an obligation upon the developer to provide monies for such repairs, but in this case it would be required for the operational life of the plant and the construction period based on the ES info. I consider it would be reasonable for there to be a mechanism by which the applicant has responsibility for increased wear and tear costs and structural damage to the highway arising from its use of the highway and exceptional loading.

7. Standard practice is to undertake a 'before' and 'after' road condition survey to cover the construction period. This would be included via the CEMP. In our experience of over 100 projects of a similar nature we haven't on any occasion set in place road condition surveys for the operational period. We note reference to the gas fired plant included the invitation for residents to have structural surveys of their premises during the construction phase. The predominate cause of structural damage is ground borne vibration as a consequence of a poor road surface. We note that condition 8 requires - Prior to the commencement of development, a scheme for the monitoring and potential mitigation of vibration damage from HGV traffic associated with the development and associated operations along Nash Road and West Nash Road shall be submitted to and approved in writing by the Local Planning Authority. We seek to address the risk of road surface damage and therefore a risk of structural damage via our submission to discharge condition 8, which is applicable to the operation as well construction phase. Our understanding of condition 8 is that:

- It relates to HGV traffic during construction and operation;
- It requires a monitoring scheme to be agreed to cover potential structural damage caused by ground borne vibration; and
- It requires mitigation for any structural damage caused by ground borne vibration.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

2.1 The agent response to these queries is welcomed and clarifies the position in relation to the constraints upon rail line usage in particular. Officers cannot require additional use of the rail line as this is controlled by third parties. Similarly, the LPA cannot require a Traffic Order as this falls outside its remit and the most the Authority can reasonably secure is a robust CEMP that sets out the applicant's actions in respect of limiting the speed of traffic to and from its site along with any penalties or controls it may enforce with haulage companies in this respect. However, these penalties will be between the applicant and the haulage firms and not a matter realistically enforced by the LPA. There is nothing to prevent the highway authority and the applicant progressing a Traffic Order outside of the planning process.

2.2 Officers have already confirmed satisfaction with the ES assessment of transport effects but having regard to the above, condition 23 is varied below to reflect the additional information provided at point 2 above. This will amend the maximum daily limit of HGV movements per day to 59, a reduction of 3. This averages at 5 HGV movements per hour maximum associated with the operation. Minor tweaks to this condition and the construction related traffic condition are also made and confirmed below

- 2.3 Officers also recommend the addition of a Grampian condition to require a Deed of Agreement with the Local Planning Authority to enable the recovery of expenses associated with extraordinary traffic. This relates in particular to part of Meadows Road, Nash Road and W. Nash Road where the applicants ES tells us to expect a notable and extraordinary increase in HGV traffic, worst case, during the construction period (Table 10.15). This increases during the operational period. This Agreement will allow recovery of expenses related to such extraordinary traffic on the local highway network and where this is demonstrated to be in association with the site.

3. OFFICER RECOMMENDATION

GRANTED WITH CONDITIONS AS UPDATED BELOW WITH DELEGATED AUTHORITY GRANTED TO HEAD OF REGENERATION INVESTMENT AND HOUSING TO ISSUE A DECISION ONCE NRW AGREE APPROPRIATE ASSESSMENT.

New condition:

No development shall commence until there is a Deed of Agreement with the Local Planning Authority in respect of extraordinary traffic associated with the construction and operation of the application site under section 59 of the Highways Act 1980 (as amended).

Reason: In the interests of highway safety and amenity.

Amended conditions:

- 23 No more than 59 HGV movements per day Monday to Friday and 26 on Saturday shall enter and leave the site during the operation of the plant outlined in red on the approved site location plan. The applicant shall keep an up to date and legible log of all HGV and delivery traffic accessing and departing from site in association with the operations on the application site and make this log available for inspection by officers appointed by the Council upon request. This log must record the number, type (of vehicle including size), registration number, time and date of each vehicle entering site. The log shall be kept on site by a nominated person to be notified to the Local Planning Authority and for the duration of development activity at the site.

Reason: To safeguard residential amenity, recreational amenity and highway safety in accordance with policy SP1, GP2 and GP4 of the adopted Local Development Plan.

- 24 No more than 30 HGV movements per day Monday to Friday and 16 on Saturday shall enter and leave the site during the construction phase of the development and these vehicles shall use the vehicle route along Nash Road and West Nash Road hereby approved in association with this development. Such vehicles shall include all those associated with any demolition, site clearance, site preparation, construction, site commissioning or plant conversion works during the construction period. The applicant shall keep an up to date and legible log of all HGV, construction/demolition and delivery

traffic accessing and departing from site in association with the development and make this log available for inspection by officers appointed by the Council upon request. This log must record the number, type (of vehicle including size), registration number, time and date of each vehicle entering site. The log shall be kept on site by a nominated person(s) to be notified to the Local Planning Authority and for the duration of development activity at the site.

Reason: To safeguard residential and recreational amenity and highway safety and in accordance with policy SP1, GP2 and GP4 of the adopted Local Development Plan.

This page is intentionally left blank

APPLICATION DETAILS

No: 20/0696 Ward: **Rogerstone**

Type: Full (Major)

Expiry Date: 25TH SEPTEMBER 2020

Applicant: **DSI LTD C/O AGENT UNITED KINGDOM**

Site: **Ye Olde Oak Stave Ruskin Avenue Rogerstone Newport South Wales**

Proposal: **DEMOLITION OF EXISTING PUBLIC HOUSE AND CONSTRUCTION OF 21NO. FLATS WITHIN 3NO. BLOCKS AND ASSOCIATED INFRASTRUCTURE WORKS**

1. LATE REPRESENTATIONS

1.1 HEAD OF EDUCATION:

1.1.1 Primary: The development is served by Mount Pleasant Primary School and Ysgol Gymraeg Ifor Hael. Taking into account the scale and type of development and 'School Capacity', a contribution is required.

1.1.2 The pupil projection for Mount Pleasant shows a pupil population of 203, and the school capacity is 210 – suggesting 7 available spaces. This equates to just 3% capacity. The chances of any spaces being in the year groups where the places are needed would be slim.

1.1.3 However, to accommodate local demand for Reception places for September 2020, the school has accommodated a 'bubble class', so currently has 52 pupils in Reception, where the usual admission number is 30. This temporary measure will remain in place for six years. This larger Reception cohort is not reflected in the forecasts which were developed in spring 2020. When the forecast is adjusted to include this larger cohort, the forecast indicates that the school population would be 222 against a capacity of 210, so the school will be operating beyond its stated capacity in Jan 2023.

1.1.4 The relevant planning policy indicates a pupil yield of 0.14 pupils per 2 bedroom flat is applied. This would equate to $(15 \times 0.14 = 2.1)$ a relevant pupil yield of 2 primary age pupils being generated by the development

1.1.5 The relevant primary education contribution is therefore $(2 \times 19,093 = 38,186)$ £38,186 which should be used towards the provision or improvement of education facilities at Mount Pleasant Primary School or Ysgol Gymraeg Ifor Hael.

1.1.6 Secondary: Education Services have stated that the 21st Century Band B expansion programme of Bassaleg High School would be able to cater for any pupils generated by this development. As such, no secondary contribution is required

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

2.1 Given the lateness of these comments, the Councils Planning Contributions Manager and the applicant would require further time to consider the merits of these representations and advise whether or not there is agreement to these new contributions.

3. OFFICER RECOMMENDATION

3.1 It is recommended that the application is deferred and brought back to a later Planning Committee following discussion about the required planning contributions.

This page is intentionally left blank

APPLICATION DETAILS

No: 20/1082 Ward: **St Julians**
Type: Full Application
Expiry Date: 4th February 2021
Applicant: Z Iqbal
Site: 22 Oak Street Newport NP19 7HL
Proposal: CHANGE OF USE OF PART OF DWELLING TO VEHICLE/TAXI DISPATCH CALL OFFICE)

1. LATE REPRESENTATIONS

1.1 J Paske - 98 Stockton Road

I wish to list my objection on the grounds of it being unsuitable to have a Taxi Rank in a residential street. It should be rejected on the grounds of parking noise and dangerous for children walking to Glan Usk School. We already have horrendous problems parking because of the antiquated islands that you the council refuse to remove. The area around 22 Oak Street can contain at least a dozen resident cars where do you propose to see them park. It should be thrown out as its totally unsuitable.

1.2 M Williams - 202 Durham Road

I am writing this email to voice my opinion on the rejection of the proposed taxi rank on Oak Street.

Never in my life have I read an idea more ridiculous. Parking is a problem in the area anyway, that's before you cut off valuable parking spaces for a taxi rank, this would completely shift the parking of the surrounding area making it impossible for people living in the area to park anywhere remotely close to the their homes.

This taxi rank would not be a good idea, I hope you can read this email and understand a little bit more as to why this would be a terrible thing for the local area to cope with. People pay good money for their houses and should be able to park outside them.

1.3 E Williams – No address provided

I email you to strongly object to the proposed taxi rank at 22 Oak Street.

The idea is absolutely ridiculous, there is not enough parking spaces for the residents anyway and to selfishly take extra spaces on Oak Street is really really cruel.

The average house on Durham Road/Oak Street/Sutton Road and Stockton Road have at least one car, usually two or three and they should be able to park as close to their houses as they possibly can.

There is already a huge knock on effect from all the commuters who park constantly on Bank Street and Oak Street and people who live on Caerleon Road (where there is double yellow lines outside and they can't park outside their houses. This gives us very limited parking availability at the best of times and you can often be parked a considerable distance from your house which is very unfair especially if the weather is really bad and you have been food shopping with several trips having to be made back and fore your car and house.

I think the taxi rank proposal is very selfish and being made with total disregard for the local people. We do not need a taxi rank there. It is a ridiculous idea and I strongly oppose it. No

good will come of it only bad feeling with the local residents which is not good for their business nor us who have to live here.

Please dont let it go ahead!

1.4 R Williams -202 Durham Road

I would like to voice my concerns regarding the proposed Taxi Rank in Oak Street.

There are already parking issues in and around this area due to the amount of vehicles owned by residents. Caerleon Road residents park their vehicles in the side streets, in addition there has been an increase of commuters parking their vehicles and increasing numbers of commercial and works vehicles parking in the area.

This proposal will generate additional safety concerns especially when schools return to normal and there is a considerable increase in vehicle and foot traffic in the area.

I have seen vehicles including a mini bus registered to an address in Christchurch parked in the area for many days at a time. Traffic management vehicles parked up for days taking the space of 2 cars. These vehicles alone have an impact on the availability of residential parking. Not only is this frustrating but dangerous as it creates blind spots when trying to cross busy roads. Even more of a concern when children are trying to cross the roads.

My son and I are both disabled and Blue Badge holders and are finding it almost impossible to park near our house as it is. The knock on effect of the proposed taxi rank would make it even worse.

For these above reasons I would urge you to reject any proposed plans.

1.5 H Ford – Durham Road

I would like to register my objection to 22 Oak Street Newport becoming a taxi rank.

I'm sure you are already aware that parking within this area is already a huge problem with many of us having to park a few streets away from our homes with shopping, children etc.

This is only going to escalate further with a taxi rank being brought in.

In current circumstances I'm sure there are plenty of empty units available for a taxi rank rather than using a residential home for such a business which is totally unsuitable for a residential area.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

- 2.1 As noted above, 5 late representations have been received from neighbouring occupiers of the application site. The points raised in the above representations mirror those raised by other objections and have been considered in the officer assessment. The application is not for a taxi rank. It is for a home office to remotely take and dispatch taxis primarily for school use and conditional controls are recommended. The late representations do not change officer assessment of the application.

3. OFFICER RECOMMENDATION

- 3.1 FOR REASONS OUTLINED IN THE OFFICER REPORT IT IS RECOMMENDED THAT THE APPLICATION IS GRANTED WITH CONDITIONS

APPLICATION DETAILS

No: 20/1126 Ward: **St Julians**

Type: Full Application

Expiry Date: 22ND JANUARY 2021

Applicant: **R WATKINS 2 LLANDAF STREET NEWPORT NP20 4FG UNITED KINGDOM**

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

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

1. LATE REPRESENTATIONS

- 1.1 PUBLIC PROTECTION MANAGER (NOISE) or (POLLUTION): I refer to the above application passed to the Noise and Neighbourhood Team for comment. I have no objection in principle but recommended any grant of permission is subject to the following conditions:

Noise Assessment

Since the proposed dwelling are in close proximity to existing noise sources (road traffic noise), the applicant will be required to submitted, a full noise assessment to demonstrate that the site is suitable for residential development. If the noise assessment indicates that noise from the development will impact residents then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the local planning authority.

Please find attached our standard noise traffic conditions:

Road Traffic Noise – Internal

No development, other than demolition, 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 road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that **all** such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

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

Road Traffic Noise – External

No development, other than demolition, shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the maximum day time noise level in outdoor living areas exposed to external road traffic noise shall not exceed 50 dBA Leq 16 hour [free field]. The scheme of noise mitigation as approved shall be constructed in its entirety prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity.

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

Construction Environmental Management Plan

Prior to the commencement of development, to include demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, air quality*, vibration, dust** and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. Measures to minimise the impact on air quality should

include HGV routes avoiding Air Quality Management Areas and avoid vehicle idling. The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

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

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

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

I would recommend that there is no arrival, departure, loading or unloading of vehicles, development and/or construction (including land raising and demolition if required) occurs outside the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays. There shall be no development on Sundays or Bank Holidays.

Contamination – Unforeseen

Any unforeseen ground contamination encountered during development, to include demolition, shall be notified to the Local Planning Authority as soon as is practicable. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, a Completion/Verification Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

Our response is based on the information provided at this time, should the proposal alter during the planning process we kindly request that you re-consult and we reserve the right to make new representation.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

- 2.1 As noted above, late representations have been received from the Public Protection Manager who has advised that they consider a noise assessment is required due to road traffic Noise. However, the application is a resubmission and no such request was made in response to the previous application and there has been no change in circumstance. The site is approximately 140m away from the M4 junction and there are intervening buildings which would help buffer any noise from the motorway. It is considered reasonable to condition a scheme of appropriate noise mitigation be submitted for approval in order to deal with noise concerns given that the site is located on a secondary residential street, if planning permission were forthcoming. No additional reason for refusal is therefore considered necessary.
- 2.2 Requests for conditions relating to unforeseen contamination and a construction management plan are noted and can be imposed if planning permission were to be granted.

3. OFFICER RECOMMENDATION

- 3.1 FOR REASONS OUTLINED IN THE OFFICER REPORT IT IS RECOMMENDED THAT THE APPLICATION IS REFUSED

Report

Appeal Decisions

Part 1

Date: 3rd February 2021

Item No: Insert item number here

Subject **Appeal Decisions**

Purpose To record the outcome of recent planning appeals

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

Wards Caerleon, Gaer, Liswerry, Marshfield, Pillgwenlly, Stow Hill and St Julians

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 following planning appeal decisions are reported to help inform future decisions.

Proposal **To accept the appeal decisions as a basis for informing future decisions.**

Action by Development and Regeneration Manager

Timetable Not applicable

This report was prepared without consultation because it is a record of recent planning appeals to help inform future decisions.

Background

The reports contained in this schedule provide information on recent appeal decisions.

The purpose of the attached reports is to inform future decision-making. This will help ensure that future decisions 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.

The applicant has a statutory right of appeal against the refusal of permission in most cases. There is no Third Party right of appeal against a decision.

Work is carried out by existing staff and there are no staffing issues. It is sometimes necessary to employ a Barrister to act on the Council's behalf in defending decisions at planning appeals. This cost is met by existing budgets. Where an application is refused against Officer advice, during this interim arrangement, the Acting Head of Regeneration, Investment and Housing, along with the Chair/Deputy Chair of Planning Committee will be required to assist in defending their decision at appeal.

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

Financial Summary

The cost of defending decisions at appeal is met by existing budgets. 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

The key risk relating to appeal decisions relates to awards of costs against the Council.

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

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

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 can be very significant. These are infrequent, so the impact is considered to be medium.

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	<p>Ensure reasons for refusal can be defended at appeal;</p> <p>Ensure planning conditions imposed meet the tests set out in Circular 016/2014.</p> <p>Provide guidance to Head of RIH/Chair/Deputy of Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.</p> <p>Ensure appeal timetables are adhered to.</p>	<p>Head of RIH with Chair/Deputy of Planning Committee</p> <p>Head of RIH with Chair/Deputy of Planning Committee</p> <p>Development Services Manager and Senior Legal Officer</p> <p>Planning Officers</p>
Appeal lodged against non-determination, with costs awarded against the Council	M	L	Avoid delaying the determination of applications unreasonably.	Development Services Manager

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

Not applicable. This report is a record of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Options Available

To accept the appeal decisions as a basis for informing future decisions.

Preferred Option and Why

To accept the appeal decisions as a basis for informing future decisions.

Comments of Chief Financial Officer

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

There is always a risk of a planning decision being challenged at appeal. 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 other than those referred to in the report or detailed above.

Staffing Implications: Comments of Head of People and Business Change

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

Local issues

Not applicable. This report is a record of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Equalities Impact Assessment and the Equalities Act 2010

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

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

Children and Families (Wales) Measure

Not applicable. This report is a record of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Consultation

Not applicable. This report is a record of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Background Papers

Not applicable

Dated: 3rd February 2021

Planning Application Appeal

Reference	19/1284
Address	The Willows, Broad Street Common, Nash, Newport, NP18 2AZ
Development	Proposed first floor side and rear extensions, two-storey and single-storey rear extensions, including first floor balcony, installation of dormer, conversion of attic and new front porch
Appellant	Mr & Mrs Sunny Sharma
Officer Decision	Refuse
Committee Decision	N/A
Appeal Decision	Dismissed

Planning Application Appeal

Reference	20/0651
Address	Nailery Cottage, Hanbury Close, Caerleon, Newport, NP18 1QD
Development	Proposed first floor balcony and extension to existing ground floor patio and proposed alterations to windows and doors
Appellant	Mr J. Conrad & Mrs H. Roberts
Officer Decision	Refuse
Committee Decision	N/A
Appeal Decision	Allowed in part

Planning Application Appeal

Reference	20/0210
Address	39 Merlin Crescent, Newport, NP19 7LG
Development	Change of use of land and construction of domestic driveway/hardstanding and associated works
Appellant	Mr G. Khan
Officer Decision	Refuse
Committee Decision	N/A
Appeal Decision	Allowed

Planning Application Appeal

Reference	19/1023
Address	14 Alexandra Road, Newport, NP20 2GY
Development	Change of use of shop and ancillary accommodation on ground floor to 2no. flats with associated amenity area
Appellant	Mr Shafiq Miah
Officer Decision	Refuse
Committee Decision	N/A
Appeal Decision	Allowed

Planning Application Appeal

Reference	20/0028
Address	21 Park Crescent, Newport, NP20 3AQ
Development	Demolition of existing garage and erection of two storey extension to side, including attic conversion
Appellant	Mr Joe Brincat
Officer Decision	Refuse
Committee Decision	N/A
Appeal Decision	Dismissed

Planning Application Appeal

Reference	20/0665
Address	Ex King's Head Hotel, 7-8 High Street, NP20 1QU
Development	Erection of internally illuminated advertisement hoarding
Appellant	Alight Media Ltd
Officer Decision	Refuse
Committee Decision	N/A
Appeal Decision	Dismissed

Planning Application Appeal

Reference	20/0211
Address	9 Oakfields, Marshfield, Cardiff, CF3 2EZ
Development	Demolition of existing conservatory and construction of single storey rear extension. Construction of first floor extension above garage at front of the property
Appellant	Mr D Guzzo
Officer Decision	Refuse
Committee Decision	N/A
Appeal Decision	Part allowed and part dismissed

This page is intentionally left blank