

# Report

## Planning Committee

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### Part 1

Date: 6<sup>th</sup> July 2022

**Subject** Planning Application Schedule

**Purpose** To take decisions on items presented on the attached schedule

**Author** Head of Regeneration and Economic Development

**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.

<b>Risk</b>	<b>Impact of risk if it occurs* (H/M/L)</b>	<b>Probability of risk occurring (H/M/L)</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its effect?</b>	<b>Who is responsible for dealing with the risk?</b>
Decisions challenged at appeal and costs awarded against the Council.	M	L	Ensure reasons for refusal can be defended at appeal.	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.

The Socio-economic Duty, part of the Equality Act 2010, was also enacted in Wales on the 31<sup>st</sup> March 2021. This requires the Planning Committee, when making strategic decisions, to also pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage. Inequalities of outcome are felt most acutely in areas such as health, education, work, living standards, personal security and participation.

## **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 11 (February 2021)  
Development Management Manual 2016  
Welsh National Marine Plan November 2019  
Future Wales - The National Plan 2040 (February 2021)

#### *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 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) (updated October 2021)  
Archaeology & Archaeologically Sensitive Areas (adopted August 2015)  
Flat Conversions (adopted August 2015) (updated October 2021)  
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)  
Shopfront Design (adopted October 2021)

## **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

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1.

## **APPLICATION DETAILS**

**No:** 21/0988      **Ward:** Marshfield

**Type:** Full (Major)

**Expiry Date:** 28th September 2022

**Applicant:** N Williams

**Site:** Plot 1 And Plot 5 Imperial Way Celtic Way Newport NP10 8BE

**Proposal:** **CONSTRUCTION OF A THREE STOREY MANUFACTURING AND RESEARCH AND DEVELOPMENT FACILITY AND ADMINISTRATION OFFICE, EXTERNAL PLANT, STORAGE AND GAS STORAGE COMPOUND, CAR PARKING, SUSTAINABLE DRAINAGE, HARD AND SOFT LANDSCAPING, ATTENUATION BASIN AND ASSOCIATED WORKS.**

**Recommendation:** **GRANTED WITH CONDITIONS SUBJECT TO SECTION 106 LEGAL AGREEMENT WITH DELEGATED POWERS TO REFUSE THE APPLICATION IN THE EVENT THAT THE AGREEMENT IS NOT SIGNED WITHIN 3 MONTHS OF THE DECISION**

### **1. INTRODUCTION**

- 1.1 This is a full planning application for the construction of a three storey manufacturing and research and development facility and administration office with associated external infrastructure at Plot 1 and 5, Imperial Way in the Marshfield ward. The application is being considered at Planning Committee as the application would amount to major development based on the floor space of the proposed building and site area.
- 1.2 This application was previously considered at the February 2022 Planning Committee where it was agreed to give delegated authority to the Head of Regeneration, Investment and Housing to issue a decision to Grant with Conditions subject to a Section 106 Legal Agreement (with delegated authority to refuse following failure to agree legal agreement) and on receipt of no objection from Natural Resources Wales.
- 1.3 Following the committee meeting NRW issued a consultation response that did not object to the granting of planning permission, subject to conditions being applied. Whilst all parties were waiting for the Section 106 Legal Agreement to be signed and completed, the applicant advised the Local Planning Authority that the design of the proposal awaiting approval no longer met their requirements and revisions to design and layout were necessary. As the application had not been formally determined by this point, it was agreed that a new set of plans could be submitted for consideration and the application given a new start date and consultation period, with the application needing to go back to planning committee for determination.
- 1.2 The following designations and constraints apply to the application site: -
- Within Urban boundary;
  - Previously Developed Land/Brownfield;
  - Allocated Employment Land (EM1);
  - Parking Zone 5;
  - Duffryn Pond 1 Site of Importance to Nature Conservation (SINC) (South of Plot 5);
  - Duffryn Pond 2 Site of Importance to Nature Conservation (SINC) (South of Plot 1 beyond highway);
  - Archaeologically Sensitive Area (30m South of site);
  - Wentlooge Levels- Special Landscape Area (SLA) (360m South);
  - Gwent Levels- Site of Special Scientific Interest (SSSI) (350m South);

- Nearest Residential Properties – 300m to South East- Powis Close and 400m to North East - Heol Edmundsbury.

## 2. RELEVANT SITE HISTORY

16/0314	EIA screening for provision of Industrial units B1, B2 and B8 use	EIA not required
15/0425	EIA screening for provision of Industrial units B1, B2 and B8 use	EIA not required
13/0528	Partial discharge of condition 1 (travel plan) of planning permission 12/0817 for retention of 2no. Car parks (total 160 spaces) in association with use of business park	Approved
12/0817	Retention of 2no. Car parks (total 160 spaces) in association with use Of business park	Granted with Conditions
97/0224	Partial discharge of condition 026 – car parking provision for LG imperial park - relating to planning permission 96/0663/OE	Approved
97/0258	Discharge of reserved matters - in respect of siting design and external appearance of Semi conductor plant (10 buildings) - relating to planning permission 96/0663/OE	Approved with conditions
96/0663	Construction of an integrated plant for the manufacture of television monitors colour picture and colour display tubes other Electronics equipment (LG electronics inc.) A Wafer fabrication and assembly plant (LGsemicon co ltd) including ancillary Buildings and uses and associated buildings, Engineering and other operations and Landscaping (class B2 of the town & country Planning (use classes) order 1987) involving- The diversion of public footpaths 7 and 8 and the stopping up of public highways Celtic way and Dyffryn lane)	Granted with Conditions

## 3. POLICY CONTEXT

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

### 3.1.1 Strategic Policies

SP1 Sustainability  
 SP2 Health  
 SP4 Water Resources  
 SP9 Conservation of the Natural, Historic and Built Environment  
 SP17 Employment Land  
 SP18 Urban Regeneration

### 3.1.2 General Policies

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

### 3.1.3 The Natural Environment

CE1 Route ways, Corridors and Gateways

- CE6 Archaeology
- CE8 Locally Designated Nature Conservation and Geological Sites

### 3.1.4 **Employment**

EM1 Employment Land Allocations

### 3.1.5 **Parking and Waste**

T4 Parking

T5 Walking and Cycling

W3 Provision for Waste Management Facilities in Development

### 3.1.6 **Adopted Supplementary Planning Guidance (SPG)**

The following SPG documents are considered to be relevant to the redevelopment of the site:

- Parking Standards
- Sustainable travel
- Wildlife and Development
- Trees, Woodland, Hedgerows and Development Sites
- Air Quality
- Archaeology and Archaeologically Sensitive Areas SPG
- Waste Storage and Collection

## 3.2 **Planning Policy Wales:**

3.2.1 National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.

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

3.2.3 Paragraph 5.4: 'For planning purposes the Welsh Government defines economic development as the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes'.

3.2.4 Paragraph 5.4.2 Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction, energy, minerals, waste and telecommunications sectors are also essential to the economy and are sensitive to planning policy. This section focuses primarily on traditional employment land uses (B1, B2 and B8) while policies on other economic sectors are found elsewhere in PPW.

3.2.5 Paragraph 5.4.4: 'Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration; Sites identified for employment use in a development plan should be protected from inappropriate development.

3.2.6 Para 5.4.16: 'Economic clustering typically occurs when businesses from the same or similar industry, or with a common interest, choose to locate in close proximity for mutual benefit. Often, clustering concerns high technology, innovative or research and development based companies, but may also include finance, food and media businesses, or supply industries serving larger manufacturers. Businesses can benefit from shared facilities, infrastructure, local pools of skilled and qualified labour, common supply chains and links to higher education.

## 3.3 **Technical Advice Notes:**

- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 18 – Transport
- Technical Advice Note 23 – Economic Development (2014)

It should not be assumed that economic objectives are necessarily in conflict with social and environmental objectives. Often these different dimensions point in the same direction. Planning should positively and imaginatively seek such 'win-win' outcomes, where development contributes to all dimensions of sustainability.

Where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. There will of course be occasions when social and environmental considerations will outweigh economic benefit. The decision in each case will depend on the specific circumstances and the planning authority's priorities.

It is a central objective of the planning system to steer development to appropriate locations. Therefore, where a proposed development would cause unacceptable environmental or social harm, demand should be steered to an alternative location, unless the harm is outweighed by the additional benefit of development at the original site in question. Such alternative locations will not necessarily be in the same local authority area. The TAN does not override any environmental legislative requirements that may apply to a particular site.

### **3.4 Future Wales: The National Plan 2040**

3.4.1 Future Plan Wales is our national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. The Plan is the highest tier of development plan, focussing on issues and challenges at a national scale leaving the LDP to identify local constraints and proposals. The 2 Plans should conform with one another and direct the plan-led planning system. Future Wales' 11 Outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

The Policies set out in the Plan that are considered most relevant to this application as follows:

- Policy 1 & 33 identifies Newport as a national growth area for housing and employment opportunities and investment in infrastructure.
- Policy 13 (supporting digital communications) states new developments should include the provision of Gigabit capable broadband infrastructure from the outset.
- Policy 16 (Heat Networks) states new developments of 100 or more dwellings or 10,000sqm or more of commercial floorspace should consider the potential for a heat network.

## **4. CONSULTATIONS**

4.1 SENIOR FIRE PREVENTION OFFICER ARCHITECTURAL LIAISON OFFICER: The proposed site plan in relation to the above has been examined and the Fire and Rescue Authority wish the following comments to be brought to the attention of the committee/applicant. It is important that these matters are dealt with in the early stages of any proposed development. The developer should consider the need for the provision of:- a. adequate water supplies on the site for firefighting purposes; and b. access for emergency firefighting appliances. Should the applicant require further information in relation to these matters they should contact the above named fire safety officer.

4.2 GWENT POLICE: No response.

4.3 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.

However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

### **Surface Water Drainage**

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and

maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, 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.

### **Conditions**

If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted.

Reason: To protect the integrity of the public (sewer/sewers) and avoid damage thereto, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.

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

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

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

### **Advisory Notes**

The applicant is advised that some public sewers and lateral drains may not be recorded on our maps; some sewers were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

#### **4.4 NATURAL RESOURCES WALES:**

We most recently provided comments on an additional information consultation, our reference CAS-178929-R4S4, your reference CONNEX/21/0988, dated 22 February 2022. In this response we continued to have concerns and requested further information regarding Dormouse and Water Voles and a condition in relation to Protected Sites.

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding Dormouse. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, a condition regarding protected sites should be attached to any planning permission granted. Without the inclusion of this condition we would object to this planning application.

### Protected Species

We have reviewed the additional information submitted in support of the application:

We note that the planning statement submitted confirms that the previous planned car parking for Plot 5 has been removed, due to Plot 5 having the potential to support Hazel Dormouse and Water Vole (Section 2.1).

### Water Voles

The amended proposals are no longer likely to impact on any habitat suitable for water voles, and we therefore have no further comments to make on the species.

### Further information required for Dormice

We advise that additional information is sought from the applicant in order to determine the potential impacts of the scheme upon dormice. As previously stated, the dormouse is a European protected species, and thus subject to protection under Regulation 43 of the Conservation of Habitats and Species Regulations 2017 (as amended). Under the provisions of this legislation, it is an offence to damage or destroy a breeding site or resting place of European Protected species such as dormouse.

As previously noted, dormouse surveys as part of application CONNEX/21/0976 on land adjacent to Plot 5 and in the wider area to the south have established the presence of a breeding population of dormice. We therefore advised the applicant submits a dormouse conservation strategy, which sets out the likely impacts of the proposals to dormice and their habitats, and stipulates how adverse impacts on the species are avoided, reduced or off-set. These comments remain relevant to the amended application.

Submission and appropriate long-term implementation of an acceptable conservation strategy will demonstrate that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of each local population of the species concerned. We advise that the conservation strategy references the European Commission's Guidance document on the strict protection of animal species of Community interest under the Habitats Directive (C/2021/7301 final) including consideration of Section 3.2.3 (b).

We advise that the Dormouse Conservation Strategy should include, but not be limited to, the following:

- An assessment of the direct and indirect impacts of the proposal on dormice.
- Details of protective measures to be taken to minimise, mitigate and/or compensate for the impacts identified.
- A plan showing habitat to be lost/created/retained/restored, which will identify the extent and location on appropriate scale. Following clearance of Plot 1 to the ground, we advise that restoration focused habitat creation form a major part of these proposals, and be notably more extensive than shown on Capita drawing SPT CAP 00 XX DR A 910003 titled Proposed Site Plan rev P10 dated 22/12/21
- Details of timing, phasing and duration of construction activities and conservation measures.
- Submission of a long-term site management plan.
- Long-term monitoring plan.
- Persons responsible for implementing the works.



We understand from your Authority that the attenuation pond at Plot 5 is a proposed drainage feature that forms part of the SAB/SuDS Strategy for the development.

The Local Authority/SAB should gain confirmation of the discharge point of the surface water network and whether this links to watercourses within the SSSI. If so, the SAB must ensure that the proposed SUDS scheme will provide sufficient treatment to protect the water quality of the SSSI. Further treatment in addition to the SUDS scheme may be required and a water discharge permit may be required from NRW.

In summary, Natural Resources Wales (NRW) has concerns regarding the above application pending the provision of further information regarding protected species and the requested condition regarding protected sites. We would be pleased to review our position and provide further advice when consulted on the further information specified above.

#### Further advice

**Landscaping** Due to proximity to the SSSI, we recommend that the tree species are selected from the Gwent Levels native tree list (attached). Our preference is that any planting is species from the first section (natives) of the Gwent Levels tree list.

Plants should be of UK native provenance (grown in British nurseries) to remove the risks of importing diseases that our plants have no resistance to and pests that have no natural predators in the UK. Those species of plant not native to UK or the Gwent Levels should be removed from the planting list. British grown plants are far more likely to do well in our conditions than those that have been imported.

Shrill carder bee, the rarest bumblebee in the UK, is one of the special features of the adjacent Gwent Levels SSSIs. Therefore we recommend areas of flower-rich grassland are incorporated into the site landscape plans to extend this species' foraging habitat. Wildflower mixes could be sourced locally, for example by contacting Gwent Wildlife Trust for seed harvested from sites such as Great Traston (Solutia) the Gwent Wildlife Trust reserve. Wildflower mixes can be purchased elsewhere but our preference is a local mix and details should be provided within application/ landscape plan. Shrill carder bees have been found foraging on flowering species including Tufted Vetch, Bird's-foot Trefoil, Common and black knapweed.

4.5 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: No objection.

4.6 GWENT WILDLIFE TRUST: No response.

4.7 NEWPORT ACCESS GROUP: No response.

4.8 WILDLIFE IN NEWPORT: No response.

4.9 NEWPORT CIVIC SOCIETY: No response.

4.10 REGIONAL AMBULANCE OFFICER: No response.

#### **5. INTERNAL COUNCIL ADVICE**

5.1 THE HEAD OF CITY SERVICES (TREES): As previously discussed at a prior meeting - strong structural planting is much preferred in terms of ecology /amenity than sporadic tree planting amongst car parking spaces.

It adheres to the principles in the SPG (Trees and Development 2017) our Ecologist and Landscape Architect can comment on the tree/plant species and maintenance etc .

The only addition comment made ( and again our Ecologist can comment on this ) is that there should be more planting around the water areas.

5.2 THE HEAD OF CITY SERVICES (LANDSCAPE):

Comments have been updated from May 2022 based on Soft Landscape Proposals revision PO2 and based on an email responding to previous comments.

As previously stated, this is a large scheme [building to 19m height, 160m length, 61m width] albeit in an employment area, but facing onto a sensitive landscape with no analysis of the visual impacts, no landscape industry standard review of constraints, opportunities, or existing or proposed site analysis, which should inform the landscape design.

No external sitting out amenity area for employees is proposed.

### **Building Design**

The revised building proposal is for full height lit glazing to the southern elevation – this is a different treatment to existing buildings in the area. At 19m in height and 160m in length, although not my area of expertise, it is unclear whether this could result in an unacceptable level of light pollution onto the Gwent Levels.

### **Soft Landscape Proposals**

Plan L001 rev P002 shows some detail, but is not sufficient to meet the requirements of a detailed planting plan, in particular for trees which should be used effectively to break up the substantial building elevation and car parking area. A fully detailed planting plan and management plan could be conditioned.

The email confirms there are constraints to tree planting along the west and north boundaries and that these are shown on other submitted plans.

Comments are:

- Email confirms the Celtic Way hedge will be a double hedge.
- Only two tree species are proposed, there is no rationale for this narrow approach and not one that I would support. In addition, given the scale of development, the species selected will have minimal mitigation impact even in the long term as *Acer campestre* (field maple) is a slow growing medium scale tree, *Malus sylvestris* (crab apple) is small to medium. The species are not located on the plan and although the size has been increased to 12-14cm from 10-12cm this will have little immediate landscape impact.
- For car park nibs, tree pits should demonstrate there will be adequate tree root volume and whether soil crates are required.
- The mosaic planting zone will now be fully visible to public view (it was previously set behind a hedge). Shrub density is still unclear and the area will require careful management to achieve the ecological objectives.
- Regarding pole mounted bird boxes – leaving areas of native boundary hedge to grow on would provide better habitat.
- Early implementation of the structural boundary landscape along Celtic Way should be reviewed and shown on the Soft Landscape Proposals as phase 1 implementation, otherwise the building and parking will be implemented with boundary landscaping following on the next planting season and views open for several years until planting is established.

### **In summary**

1. A detailed soft landscape plan could be conditioned.
2. A five year maintenance and management plan for new and existing planting could be conditioned.
3. A soil resource plan could be conditioned to ensure professional testing and recommendations are followed through to ensure successful establishment of the landscape planting and seeding types. This also relates to the EclA requirement for the soil seed bank to be conserved and re-used.

- 5.3 THE HEAD OF CITY SERVICES (ECOLOGY): In general I support the methodology and conclusions of the Ecological Impact Assessment Report dated May 2022, and advise that subject to the following comments, we should use a planning condition to secure the implementation of the avoidance, mitigation, compensation and enhancement measures set out in that report.

My comments are as follows:-

- The Soft Landscape Proposals diagrams show a 'Perimeter Fence' around the site, but Table 13 which summarises mitigation and compensation measures etc., does not refer to gaps in or under that fence which would allow free movement of species such as hedgehogs. Therefore the Applicant should either submit a Hedgehog Movement Plan, or preferably show how regular gaps have been incorporated into the Perimeter Fence design to allow movement of wildlife.
- In relation to reptiles, I note compensation proposed consists of '*Reptile's /amphibian's refugia creation (see landscape proposal drawing GH006637- L001 P01 – SPTS Porth – Landscape Proposal)*', however I have looked at that drawing and can see no specific reference to creation of refugia. Therefore this plan should be amended to show that refugia and hibernacula in the form of log / rubble piles will be placed in areas where they will receive full insolation.
- Under section 5.2 'Compensation and Enhancement' the creation of a bee bank '*...a crescent-shaped south-facing bank at least 3 m long and up to 1m high surrounded by at least 1 m of bare ground will be placed in a sunny area i.e. away from shade, within the proposed grassed over area in the north-eastern section of the plot, and within an area of the car park in the southern section of the plot.*'. An 'Earth Bank' is also referred to in Table 13 in relation to 'Other Mammals'. However I can see no such feature on the Soft Landscape Proposals diagram. Therefore this should be amended to clearly indicate these features.
- The Soft Landscape Proposals diagram shows an area to the south of the site which according to the Key consists of '*Open mosaic habitat areas. Areas to comprise wildflower grass meadow, native planting, log piles, large stones, rubble and bug hotels*'. This area is also labelled with '*New mosaic and tree planting on top of mound*'. If this area is intended as compensation for loss of brownfield habitats (OMHoPDL), and/or for loss of invertebrate habitat, then I would not say that tree planting in this area is appropriate. Also, use of the seed bank in retained soils would be better in this area than sowing a commercial wildflower meadow seed mix. Therefore the exact nature of this area of habitat creation should be clarified.
- If this area is intended to be an open mosaic habitat, then the proposed hedgerow to the south may well cause shading, which would be unwelcome in this habitat, especially for invertebrate species which require sunny, south-facing, free-draining earth banks. The Soft Landscape Proposals diagrams should be amended to reconcile this potential conflict.

It is disappointing that my original 20<sup>th</sup> October comments in relation to the consideration of ecosystems have not been reflected in the EclAR. However, as this is a relatively small site which has already been cleared, this would not be a reason for objection to the application.

#### Final Response

I have provided comment on whether the 22/06/22 landscape diagram has addressed my 20/05/22 comments below:-

*The Soft Landscape Proposals diagrams show a 'Perimeter Fence' around the site, but Table 13 which summarises mitigation and compensation measures etc., does not refer to gaps in or under that fence which would allow free movement of species such as hedgehogs. Therefore the Applicant should either submit a Hedgehog Movement Plan, or preferably show how regular gaps have been incorporated into the Perimeter Fence design to allow movement of wildlife.*

I welcome that the amended landscape diagram includes 'Perimeter fence (with regular gaps to allow for free movement of small mammals)'. We should require by planning condition details of the size, location and number of these gaps.

*In relation to reptiles, I note compensation proposed consists of 'Reptile's /amphibian's refugia creation (see landscape proposal drawing GH006637- L001 P01 – SPTS Porth – Landscape Proposal)', however I have looked that that drawing and can see no specific reference to creation of refugia. Therefore this plan should be amended to show that refugia and hibernacula in the form of log / rubble piles will be placed in areas where they will receive full insolation.*

I note the indicative placement of 'Log / rubble piles refugia and hibernacula' in the amended landscaping diagram. We should require by planning condition details of the construction of these hibernacula in accordance with best practice guidelines.

*Under section 5.2 'Compensation and Enhancement' the creation of a bee bank '...a crescent-shaped south-facing bank at least 3 m long and up to 1m high surrounded by at least 1 m of bare ground will be placed in a sunny area i.e. away from shade, within the proposed grassed over area in the north-eastern section of the plot, and within an area of the car park in the southern section of the plot.'. An 'Earth Bank' is also referred to in Table 13 in relation to 'Other Mammals'. However I can see no such feature on the Soft Landscape Proposals diagram. Therefore this should be amended to clearly indicate these features.*

I welcome the inclusion of a number of 1:1 earth banks in the amended landscaping diagram. These features should be implemented as indicated, secured by planning condition.

*The Soft Landscape Proposals diagram shows an area to the south of the site which according to the Key consists of 'Open mosaic habitat areas. Areas to comprise wildflower grass meadow, native planting, log piles, large stones, rubble and bug hotels'. This area is also labelled with 'New mosaic and tree planting on top of mound'. If this area is intended as compensation for loss of brownfield habitats (OMHoPDL), and/or for loss of invertebrate habitat, then I would not say that tree planting in this area is appropriate. Also, use of the seed bank in retained soils would be better in this area than sowing a commercial wildflower meadow seed mix. Therefore the exact nature of this area of habitat creation should be clarified.*

I welcome that the amended landscaping diagram no longer shows trees planted on this feature. I welcome also the proposal to re-use existing topsoil with its seedbank to create the mosaic habitat, and these features should be implemented as indicated, secured by planning condition.

*If this area is intended to be an open mosaic habitat, then the proposed hedgerow to the south may well cause shading, which would be unwelcome in this habitat, especially for invertebrate species which require sunny, south-facing, free-draining earth banks. The Soft Landscape Proposals diagrams should be amended to reconcile this potential conflict.*

I welcome the removal of this hedge shown on the amended landscaping diagram, but note also the concerns raised by colleagues who advise on landscaping issues.

Should these landscaping details need to be amended, for example in relation to any changes required by NRW to mitigate impacts upon dormice, then I would like to be re-consulted.

#### 5.4 THE HEAD OF CITY SERVICES (ACTIVE TRAVEL/PUBLIC RIGHTS OF WAY): Active Travel Comments

The application documents detail the proposed covered cycle store, showers and locker facilities to encourage cycling which is supported. The general arrangement drawings,

whilst showing the cycle stores in a suitable area, do not detail how cyclist will access this area from the main entrance. Further consideration of this and details should be supplied. It is important to minimise potential conflict with those travelling to the site on foot or by car/other vehicle.

The submitted travel plan acknowledges the high potential for journeys to the site by both walking and cycling based on journey times of a maximum of 30 minutes. Therefore, it is important that the development incorporates features that further encourages sustainable means of transport to the site. The submitted travel plan outlines the measures that will be implemented to assist in this. Further to this travel plan, a submission of the finalised, site specific travel plan should be requested so as to ensure it meets its proposed outcomes and timetable.

- 5.5 THE HEAD OF CITY SERVICES (HIGHWAYS): In accordance with the Newport City Council Parking Standards, the following parking requirements must be met.

Parking zone 5/6 – non operational

Office – 1 space per 40sqm

High technical industry – 1 space per 20sqm

Industry – 1 space per 80 sqm

The applicant has stated the following floor areas within the transport assessment.

Office 7803m<sup>2</sup> = 195 spaces

Industry 5662m<sup>2</sup> = 70 spaces

High tech Industry 4267 m<sup>2</sup> = 213 spaces.

In total the parking demand is calculated to be 478 spaces however the applicant only proposes to provide 438 spaces, resulting in a shortfall of 40 spaces. Unless it can be demonstrated that parking can be provided in accordance with the Newport City Council Parking standards I must object to the application.

### Final Response

I can understand why you may consider reasoning that the parking provision is acceptable, however I'm unable to remove my objection as parking does not conform to the SPG.

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

- 5.7 THE HEAD OF CITY SERVICES (LEISURE): No response.

- 5.8 THE HEAD OF CITY SERVICES (WASTE): No response.

- 5.9 THE HEAD OF REGENERATION AND REGULATORY SERVICES (CONSERVATION OFFICER): No objection.

- 5.10 THE HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH – NOISE AND NEIGHBOURHOOD): Further to the Noise & Neighbourhood Team comments dated the 23<sup>rd</sup> June 2022. We make the following addition comment to address feedback from both the Planning Officer and Applicant.

### Noise:

To the north and west, the development site adjoins existing commercial and industrial premises within the business park. To the south and east, the site adjoins other plots of open land scheduled for future phases of commercial development

within the business park. Directly to east of site the Data Centre construction is well underway

The nearest dwellings are located approximately 330m to the south east of the site on Powis Close whilst there are further dwellings to the east on Edmundsbury Road at a distance of approximately 390m, and to the north east on Pencarn Avenue at approximately 340m.

An acoustic assessment has been submitted to support the application that assesses the noise impact of the development.

External plant is proposed to be located on the northern side of the building and at roof level with the service and delivery vehicle access to the site being sited from North Lake Drive to the east via the traffic island with Dyffryn Lane at the south east corner of the site. Service yard is accessed via Celtic Way at the west of the site and exited to the east via North Lake Drive

Appropriate noise guidelines have been followed within the report such as BS 4142:2014 and 8233:2014 as requested at the pre-application request stage.

Details of any external plant installations or ventilation openings associated with the proposed development are not yet known and should be determined at the construction phase. In the absence of specific plant information, the report has not carried out a formal BS 4142:2014 assessment for plant noise. However, BS 4142:2014 has been used in conjunction with the measured background sound levels to determine appropriate noise limit criteria to be achieved at the nearest dwellings but further assessment will be required to show compliance to the suggested noise limits.

Assessment of the noise from HGV movements at the development on the nearest residential dwellings have been reasonably assessed in the acoustic submission and the calculations shows that the development should not give rise to noise disturbance at the nearest dwellings.

Although background levels have been stated within the acoustic assessment, there is no detailed design at this stage, and they are removing the need to have any tonal element to the condition. 10dB below background is to protect background creep and hence the 15dB if there are any tonal elements to the installation which has not been designed yet. Therefore, we recommend the following condition is applied to any planning permission:

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

**Reason:** To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment.

There has been no noise acoustic report submitted focusing on uncontrolled vibration from mechanical plant and equipment at this site. This will give rise to additional noise being transmitted through the structure and therefore appropriate details should be submitted once the design of the mechanical plant and equipment

has been carried out. Therefore, we recommend the following condition is applied to any planning permission:

Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

**Reason:** To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration.

**Lighting:**

An appropriate lighting strategy with included lighting contours have been submitted that shows proposed column mounted, building mounted and bollard luminaires to be utilised that should offer an efficient and practical lighting solution for the development.

There is a fair amount of façade glazing at the development and it may be a source light trespass from internal lighting, which has not been assessed within the lighting strategy. This can be controlled by appropriate façade design, which should be submitted for approval.

The submitted lighting assessment only assesses the effects of external elements such as column mounted, building mounted and bollard luminaires. No assessment has been made of addition light spill caused by internal lighting into the environment.

I am happy for a revision to the condition such as “Prior to the installation of the floodlighting scheme and building façade glazing, full details shall be submitted to and approved in writing by the Local Planning Authority to provide that:

Light into neighbouring residential windows generated from the floodlights shall not exceed 10 Ev (lux) (vertical illuminance in lux).

Each floodlight must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical.

The floodlighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 5%

Details of suitable façade glazing/external membrane, lighting periods within main glazed facades and mitigation measures to minimise light trespass, glare and sky glow from internally transmitted or reflected artificial light

The submitted scheme shall include an isolux diagram showing the predicted illuminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties.

The approved scheme shall be implemented prior to first use of the lighting and be permanently maintained in that state thereafter.

**CEMP:**

A draft ‘Outline Construction Environmental Management Plan’ has been submitted ref: SPT-CAP-XX-XX-RP-A-00014 that adequately sets out environmental controls for the construction of the development. This will be a ‘live’ document and will need updating as the development design is finalised.

I do not offer any objections to the application and suggest no additional conditions for the development.

The construction management plan shall be submitted to and approved in writing by the Council as the construction design is finalised. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, and all associated activities audible beyond the site boundary advance notification to neighbours and

other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details and updates shall be implemented throughout the project period to the Planning authority.

We agree to the following construction times (as below). However, if the Council receive statutory nuisance complaints, we reserve the right to review the construction hours.

**(i) Construction Hours – Non-Piling**

No development, (including land raising and demolition if required) shall be carried out other than between the hours of 07.00 and 19.00 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 amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site

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.

5.11 THE HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH – AIR QUALITY AND CONTAMINATION): I have had a chance to look at the AQA submitted in respect of the above development site.

In respect of any construction phase where approval for development is granted, routing of traffic must be agreed with the LPA prior commencement of works such that a routing plan that avoids AQMAs is used for all construction traffic during this phase. The imposition of a construction environmental management plan by condition if not already asked for should address fugitive dusts from construction work. The dust mitigation measures identified in Table 20 of the AQA must also be implemented as part of any permitted development.

It is noted that the operational phase will include four centralised gas boilers and it is desirable that these should be zero or low emission boilers if at all possible given the importance of the climate change challenges we all face and the additional emissions these will represent irrespective of air quality assessment outcome as it relates to LAQM. A robust rationale for not selecting a zero/low emission option for heating services should be provided if not already done.

It is welcomed that where any development take place mitigation measures are proposed which will make a contribution towards improving local air quality e.g. a travel plan which promotes walking and cycling routes for staff, and 10% of the total parking bays having dedicated EV charging point.

I am still supportive of the idea of a joint s.106/sponsorship contribution from both the Data Centre developer and this developer in respect of air quality monitoring in the locality for which they would be able to access the data obtained via Environment & Community. The joint sum sought would be £5000 from each i.e. a total contribution of £10000. This would provide real time analysis of prevailing air quality (NOx and particulates) and web based access to data obtained, which would form an integral part of the councils updating of the local air quality management programme.

Subject to the above I do not raise any objections on the grounds of air quality in respect of this application.

### Final Response (RE: Construction Traffic Route Document)

I think that is a good summation of what they need to observe and meets with our ask and therefore discharge of condition is supported.

It would not be reasonable to ask them to specify all the potential routes that their suppliers and contractors may take to site but instead identify what they must avoid wherever possible.

#### **6. REPRESENTATIONS**

6.1 NEIGHBOURS: All properties within 100m of the application site were consulted (19no. properties), a site notice displayed and a press notice published in South Wales Argus. No objections have been received. One piece of correspondence has been received supporting the proposal highlighting the benefits it would bring to the city.

6.2 COUNCILLORS: All ward councillors were consulted and no responses received.

6.3 COEDKERNEW COMMUNITY COUNCIL: No response received.

#### **7. ASSESSMENT**

##### 7.1 Site Description

7.1.1 The site is located within the south of Imperial Park and is approximately 4.2 hectares in size. The site has commercial history, which is part of the Celtic Springs industrial estate and the surrounding site was part of the LG electronics development but now forms the Vantage Data Storage site. It is split into two adjacent plots (known as Plot 1 and Plot 5) located either side of the newly adopted South Lake Drive. Plot 1 is previously developed, and largely comprises of a car park/hardstanding and previously contained some low-lying scrub, which has been cleared. Plot 5 is less developed and is also covered by low lying self-seeded scrub with heavy tree vegetation to the boundaries with Salt Lake Drive. Only a small portion of Plot 5 is proposed for development, as will be described later in this report.

7.1.2 The site is bounded to the east, south and west by highways and to the north is another industrial plot and building, IQE Newport. Beyond the highway to the east is a two-storey data centre which is under construction, beyond the highway to the south is a SINC and beyond the highway to the west is further industrial use. Directly to the south of Plot 5 is a wooded area, SINC and open landscaped area, which will be under the ownership of the applicant.

##### 7.2 Overview and Background of the Proposal

7.2.1 The proposal is for a new headquarters for SPTS Technologies Ltd, who currently operate out of a site located just off Ringland Way, Newport. SPTS manufacture and sells semiconductor capital equipment, which provides the solutions needed to deliver the next generation of technologies for the semi-conductor and microelectronics industry and have been recognised by Welsh Government and given Anchor Company status, for increasing jobs and growing the economy. However, owing to that growth it is forecast that SPTS will outgrow this existing site by mid-2023 and the proposed headquarters would facilitate

expansion and include a large manufacturing and research and development administrative building. SPTS currently have an off-site storage facility 4 miles from their main site and this proposal would rationalise the operation to one larger and more sustainable site. SPTS has 590 staff globally with 360 based in the Newport, Wales HQ and the proposed HQ facility will accommodate 460 staff initially, with it being designed to accommodate 650 staff in total based on future growth projection over the next few years.

### 7.3 Description of the Development

- 7.3.1 The application proposes a building for manufacturing and administration, which will have an internal gross floor space of 17,732sqm. It has a slightly larger footprint than that considered previously however this has allowed for the overall height of the building to be reduced and regularised, creating a sleeker profile. The building footprint is consistent to three elevations, with the exception of the south where the store and manufacturing elements of the building are set back to ensure the main office façade is the most prominent. This recess is utilised to create a causal external amenity space combining hard and soft landscaping. The new building concept developed from the principle of this rectangular portal-structure factory, with sub-fab and clean rooms to the west, moving into manufacturing and onto stores and logistics at the east. This factory element is then screened to the west and south by a 3-storey office block with aspirations of a high-end headquarters aesthetic consistent with other facilities within the wider global network of businesses within the group.
- 7.3.2 SPTS have an ambition to be as energy efficient as possible, which aligns with the project brief to achieve a rating of Excellent in BREEAM certification for sustainable developments. As the proposal is a new HQ development for a world-renowned technology company that supplies the manufacturing tools for the world micro-processor producers the design brief was based around creating a bold architectural statement. The two mass forms of the manufacturing and administrative buildings are differentiated by the use of contrasting colours and textures. The building will have a maximum width of 160 metres, maximum depth of 61 metres and height of 18.9 metres to the highest point. The building has been redesigned to create a more efficient and cohesive building for the client with the office space wrapping round the manufacturing allowing for larger glazed panels for a more engaging design. The wider design has allowed for a reduced height and wider impact and the mix of contemporary materials including curtain walling with fins, Siberian larch cladding and rainscreen cassettes provide a modern appearance to the building whilst breaking up the façade and reducing the overall scale.
- 7.3.3 438 parking spaces will be provided to accommodate staff, including accessible bays, electric car charging bays, motorcycle and cycle parking facilities. A 2.4m black weld mesh security fence will be installed to the perimeter of Plot 1 with a post and rail fence around the attenuation pond at Plot 5. The service yard to the northern end of the site will also be accessed off Celtic Way from the east, with service vehicles egressing onto North Lake Drive to the east.
- 7.3.4 An extract of the proposed site plan and elevations of the proposed building as submitted are shown below;

#### *Proposed Site Layout Plan*

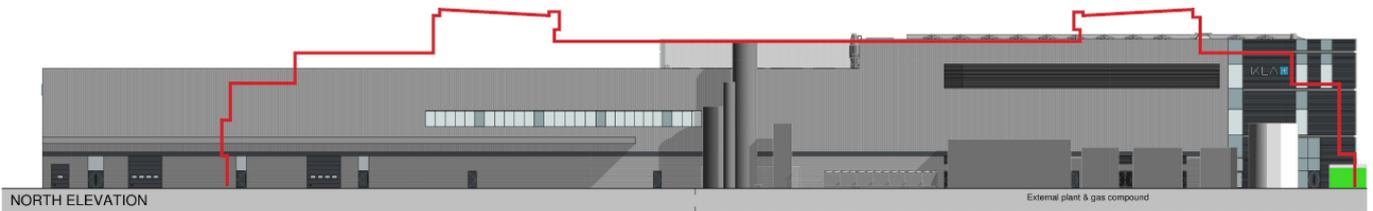


*Proposed Elevations (Red Line Outlines Scheme Previously Agreed by Planning Committee)*

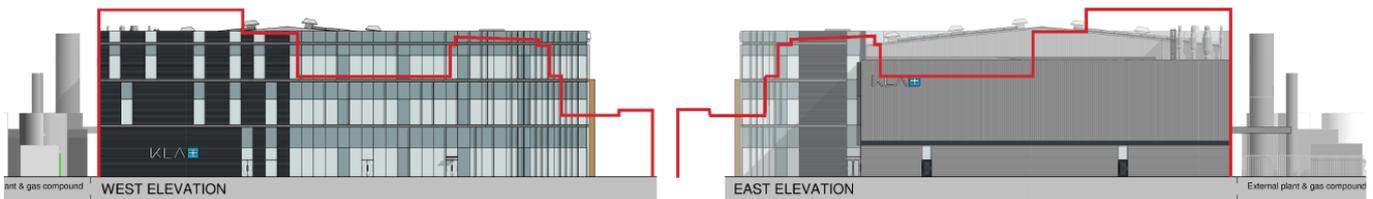
South - Front



North - Rear



East/West- Sides



Computer Generated Images



### Principle of Development

- 7.4.1 The application site is an employment allocation and categorised as vacant brownfield land with a history of employment development.
- 7.4.2 The proposal would be classed as economic development and therefore in accordance with National Policy, the proposal is encouraged and supported as a development which would generate economic prosperity and regeneration. The proposal would see the development of a large section of the current development plan Employment Land Allocation EM1(i), resulting in a positive step towards achieving the current LDPs strategy. The proposal would support policy SP18- Urban Regeneration, which favours development that seeks business opportunities within the urban area and on vacant, underused or derelict land. The proposal is encouraged and supported at policy levels in terms of location and as a development which would generate economic prosperity and regeneration. However, as the proposal would see the relocation of the current base from the East of Newport, it is therefore important to understand the net benefit of the scheme, as outlined below;
- SPTS to outgrow existing site by mid-2023;
  - The relocation to this site would allow the existing work base of 360 employees to initially grow to 450 employees, with further expansion sought over the next few years rising to 650 jobs in total;
  - SPTS intend to expand and develop a further phase at Plot 5 in the near future (subject to permission), creating further jobs that would be relocated from existing European operations;
  - A Cardiff University study in 2019 suggested a forecast of 3.2 jobs to be created within the supply chain for every 1 of SPTS jobs.
- 7.4.3 Policy 16 of the Future Wales Plan 2040 requires that within priority areas for District Heat Networks, planning authorities should identify opportunities for District Heat Networks. As a minimum, planning applications for large scale development of over 10,000sqm of commercial floorspace should consider the potential for a heat

network. A statement has been submitted by the applicant that addresses this policy and has considered the feasibility of the potential of a heat network and this would not be considered a viable option for this scheme. The statement does confirm however that the proposal is seeking to achieve a BREEAM Excellent rating to reduce carbon emissions and atmospheric pollution by encouraging local energy generation from renewable sources to supply a significant proportion of energy demand.

7.4.4 From consideration of various technologies Photo Voltaic cells have been incorporated into the design as there is a large amount of available roof space and a significant electrical load for the building, the use of 200 Sqm of PV will provide a solution for electrical generation. Together with improved building fabric thermal performance, air tightness and passive solar control, integration of a low-energy strategy for the functional running of the building e.g. controls for lighting and heating and where feasible utilisation of rainwater harvesting for sanitary appliances and suitable process water functions. Overall, it is considered that the proposal complies with the requirements of this policy.

## 7.5 Design, Visual Impact and Landscaping

7.5.1 Policies SP9- Conservation of the Natural, Historic and Built Environment, CE1- Route ways, Corridors and Gateways, GP1- Climate Change, GP2- General Amenity and GP6- Quality of Design of the Adopted LDP 2011-2026, seek to ensure that the development proposals are of a good quality of design and reflect the scale and context of the locality. Schemes should also be sensitively designed to mitigate any adverse impact upon the protected built environment (listed buildings and conservation areas), gateway routes through Newport and wider landscape features.

7.5.2 The visual impact of the scheme is primarily with respect to the scale and height of the proposed building, its siting and ground level infrastructure i.e. parking and how it will relate to the existing buildings within the industrial site as well as the protected countryside to the south.

7.5.3 The application site is split into two adjacent parcels of land referred to as Plot 1 and Plot 5. Plot 1 would include the building and service area, parking area and general infrastructure, where as Plot 5 has been revised and the final design includes only an attenuation pond, with the remainder outside of the red line site of this application, albeit earmarked for future development.

7.5.4 The original concept of increased transparency to the administration areas has been retained within the amended design. The offices are proposed to be full height glazing, layered horizontally with recessed flashing details to articulate each storey and reduce the overall perception of mass. Vertical fins are proposed for solar-shading and arranged in a diminishing pattern to draw focus to the main entrance, which is further identified by a 2 storey recess, with a chamfer leading to the entrance doors. Feature copper framing also articulates the main entrance and creates a reduced scale to provide a welcoming approach from the car park and pedestrian areas.

7.5.5 To the book-end and returns of the glazed elevation, a dark flat cladding is proposed which is multi-functional:

- Defines areas of vertical circulation;
- Defines areas of cellular offices and kitchen (to ground floor) and conceals internal partition abutments;
- Provides locations for accommodating structural bracing where it will not be visible.

7.5.6 A rainscreen cassette system is proposed to the north elevations in place of the previously-proposed translucent cladding. This provides the opportunity to reflect the layering and diminishing vertical fins from the offices within the south elevation of the factory, thereby consolidating the overall building aesthetic in a more successful manner.

7.5.7 The proposed building is situated to the south east of the existing two storey IQE building and owing to its scale and height would have a marked impact upon the

immediate landscape and would be visible from locations to the south and west of the site. However, the proposed building is designed as a modern employment building relating to the existing use and character that surrounds it. It is of a more functional appearance at the rear with external plant, and a contemporary and detailed aesthetic to the front. Located within an industrial park, there are a number of other large-scale buildings within the vicinity. An additional Data Centre has recently been approved (20/1176) and construction is underway at a height of 20.2 metres and width of 142m and is approximately 5.0 metres shorter than the existing Data Centre building. For context, the building proposed within this application would have a maximum height of 18.9 metres to the highest point, albeit this is located behind the parapet wall which has a height of 18.3m. It is therefore not considered that the scale is out of keeping with existing and recently approved buildings within the industrial park. As illustrated within the 'Proposed Elevations' included earlier in this report, the scheme which is currently before the LPA is approximately 2.0 metres lower in height than the previously designed building under this scheme agreed by the Planning Committee in February, albeit it approximately 25 metres wider and 6 metres deeper.

- 7.5.8 The Council's Landscape Officer has offered no objections to the proposed building, however, has raised concerns that no landscape industry standard review of constraints, opportunities or existing or proposed site analysis has been undertaken, which would inform the landscape design. Whilst an Landscape Visual Appraisal (or similar) is desirable and recommended for a large-scale scheme such as this, it is not a statutory requirement and in lieu of this document, the LPA must make their own assessment along with considering the visual assessment previously submitted, albeit not to the Landscape Officers requirements.
- 7.5.9 The location of the site to the south of the existing buildings within the industrial park and its close proximity to adjoining roads means that the site would be more prominent within this immediate context. The Landscape Officer has advised that the proposed soft landscape proposals plan which showing some detail, is not sufficient to meet the requirements of a detailed planting plan. There is no certainty on tree numbers, balances of species, why only two species are proposed and there are some design objective clashes with ecology to review. However, it is confirmed that a fully detailed planting plan and management plan could be conditioned and there is no reason to doubt that an acceptable scheme cannot be achieved based on the approved layout. Further comments have been listed in the Landscape Officers response, including clarity regarding the softening of perimeter fencing, size of proposed trees species, potential conflict between planting and the mosaic area, early implementation of landscape strategy and tree planting strategy. An amended landscape plan and review of the consultation comments and clarification has been provided by the applicant in response. Final comments from the Landscape Officer confirm that there are still some outstanding matters to be resolved, but these are more detail based and can be secured via condition. Whilst the applicant was hoping to agree all landscaping details up front, this has not been possible and conditional discharge(s) will be required.
- 7.5.10 Officers acknowledge the concerns that have been raised by the Landscape Officer and share the view that clarification/amendments should be resolved and further detail for the soft landscape proposals are necessary in order to mitigate the visual impact at a more immediate context. However, as it is noted that there are no objections to the building itself, it is considered that in this instance the conditional regime can secure submission of further soft landscape details as well as a five-year maintenance and management plan to be agreed in writing with the Local Planning Authority that can help to mitigate impact within the immediate context of the site. This condition can also ask for details of phased infrastructure planting, for example around the site edges so that early implementation can be achieved, and planting given chance to flourish prior to use of the site. The conditional regime would also need control implementation of the submitted details of the hard surfaces and boundary treatments of the site.
- 7.5.11 Overall, proposed building itself is acceptable and the wider visual impact is not considered to be an issue in principle with proposed materials considered by officers as being acceptable. Subject to the matters listed above being agreed via conditional discharge, the

impact on the immediate surrounding context would not be significantly harmful to visual amenity or the character and appearance of the surrounding area.

## 7.6 Trees and Ecology

7.6.1 The previous proposal included the removal of a semi-natural woodland within Plot 5 which acts as a buffer between the site and the SINC. However, the revised scheme has altered the layout to exclude this area from the application site, albeit still within the applicant's ownership. Of the original layout the Tree Officer raised no objections to the proposals. However now these trees are to be retained, it is considered necessary to ensure that details are agreed via pre commencement condition to ensure they are not impacted during construction works e.g. submission and implementation of tree protection plan/root protection barrier fencing and implementation of a watching brief during works.

7.6.2 An Ecological Impact Assessment (EclA) has been submitted by the applicant, along with the following supporting documentation which is contained within;

- Preliminary Ecological Appraisal;
- OMHPDL Priority Habitat Assessment;
- Water Vole Survey Report;
- Ecological Method Statement – Ground Investigation Walkover and Water Vole Survey;
- Reptile Survey Report;
- Breeding Bird Survey Report;
- Phase 1 Habitat Maps (Plots 1 & 5);
- Great Crested Newt Technical Note;
- Great Crested Newt Habitat Suitability Index (HIS) Report.
- Updated Soft Landscape Plan.

7.6.3 The aim of the EclA is to understand and provide information regarding the likely significant ecological impact associated with the proposed development to inform the planning process including;

- Provision of baseline information of ecological features on the site (e.g. habitats and species) within the site and zone of influence of the site;
- Determination of the ecological value of the identified ecological features;
- Identification and evaluation of the potential impacts, including any residual impacts of the proposed development on ecological features of value;
- Recommendations for mitigation measures to avoid or reduce the impacts; and
- Identification of any possible enhancements for biodiversity.

The information should allow the planning system to assess the following:

- The likely significant effects of the development on all important ecological features;
- If the proposed development is in accordance with relevant policies and legislations
- The planning conditions/ obligations to secure mitigation, compensation and enhancement.

7.6.4 The Council's Ecologist has stated that in general the methodology and conclusions of the ECIA dated May 2022 are supported and advises that subject to some comments a planning condition to secure implementation of the avoidance, mitigation, compensation and enhancement measures set out in the report. Commentary has been provided in response to these and also a revised landscape plan submitted in an attempt to address

the points raised. The Ecology Officer has acknowledged that some changes have been made on the landscape plan to reflect these comments and has provided further comments in response to the resubmitted information. As the Landscape Plan submitted still requires amending as noted within the Landscape section of this report, it is possible that this could result in revisions in the ecological aspect of the plan. Approving the ecological aspects of the landscape plan may therefore result in conflict with the proposed landscape plan to be submitted via conditional discharge and it is possible that there may end up being two differing plans. Therefore, whilst the ecological layout for mitigation, enhancement and compensation is broadly acceptable it cannot be fully approved at this stage and will need to be included on the landscape plan when the condition is applied to be discharged and the Ecology Officer will be consulted at that stage.

- 7.6.5 In their most recent response, which is based on the revised scheme submitted since the previous Planning Committee, NRW have stated that they continue to have concerns with the application as submitted because inadequate information has been submitted in support of the proposal. NRW have confirmed that they would object to the application if requested information in relation to Dormouse is not provided. NRW have also advised that following the amended proposals being reviewed they are no longer likely to impact on any habitat suitable for water voles.
- 7.6.6 The dormouse is protected under the Conservation of Habitats and Species Regulations 2017. Dormouse surveys as part of application CONNEX/21/0976 on land adjacent to Plot 5 and in the wider area to the south have established the presence of a breeding population of dormice. NRW therefore advise the applicant submits a Dormouse Conservation Strategy, which sets out the likely impacts of the proposals to dormice and their habitats, and stipulates how adverse impacts on the species are avoided, reduced or off-set. Submission and appropriate long-term implementation of an acceptable conservation strategy will demonstrate that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of each local population of the species concerned. NRW advise that the conservation strategy references the European Commission's Guidance document on the strict protection of animal species of Community interest under the Habitats Directive (C/2021/7301 final) including consideration of Section 3.2.3 (b). NRW have advised in their response what should be included within this strategy. It has been confirmed by NRW in a separate response that the Dormouse Conservation Strategy can be controlled by a pre commencement condition.
- 7.6.7 In relation to other matters of relevant interest NRW have requested a CEMP condition in relation to pollution control, which is considered a reasonable request and has been included in the conditional regime. Overall, it is considered that subject to the relevant conditions the scheme is compliant with Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

## 7.7 Impact upon nearest residential properties

### Building

- 7.7.1 There are no immediate residential neighbours to the site that would give rise to any concerns of neighbours impacts. The nearest neighbours are Powis Close to the South East at a distance of approximately 300 metres and to North East Heol Edmundsbury at a distance of approximately 400 metres. Both are separated by existing employment uses, roads, established vegetation and landscaping.
- 7.7.2 As such, despite the large scale and height of the building there are no significant concerns with respect to the building being overbearing, impacting upon privacy or resulting in a loss of light to the nearest residential amenity.

### Use

7.7.3 As well as the physical proximity of the building, the LPA must also consider the operational impacts of the use. The staff numbers whilst significant would be expected to predominantly access the site via the A48 and Celtic Way, which are highly accessible and would avoid existing residential areas, as would any associated commercial vehicles. The car parking provision at the site will be considered later on within this report in line with the relevant policy, however the proposal would not be considered to result in any adverse on residential amenity in relation to this, by way of overspill for example. The building will house administrative areas that would not result in any disturbance and the manufacturing works are within the rear of the building and enclosed. As such, the general use of the building would not generate unsociable noises, odours or disturbance from coming and goings that would adversely impact upon residential amenity.

#### Noise

7.7.4 The proposal is not considered to result in any noise impact that would raise concern with regards to residential amenity. A large part of the operation is administrative and research and development and the manufacturing process is contained within the building to the rear. However, one generator is proposed at ground floor to the rear and plant equipment is proposed on the roof. The Head of Law and Regulation (Environmental Health) has reviewed the application and confirmed that the site is not close to any sensitive receptors but still has potential for environmental impact given its size. An acoustic assessment has been submitted that assesses the noise impact of the development. Appropriate noise guidelines have been followed within the report such as BS 4142:2014 and 8233:2014 as requested. Details of any external plant installations or ventilation openings associated with the proposed development are not yet known and should be determined at the construction phase. In the absence of specific plant information, the report has not carried out a formal BS 4142:2014 assessment for plant noise. However, BS 4142:2014 has been used in conjunction with the measured background sound levels to determine appropriate noise limit criteria to be achieved at the nearest dwellings but further assessment will be required to show compliance to the suggested noise limits. Although background levels have been stated within the acoustic assessment, there is no detailed design at this stage, and they are removing the need to have any tonal element to the condition. 10dB below background is to protect background creep and hence the 15dB if there are any tonal elements to the installation which has not been designed yet. Environmental Health thereafter recommend a pre commencement condition in relation to this, however it is not considered that this information would be necessary or reasonable to request prior to any commencement of development on site. As such, it is considered reasonable that the noise assessment report and proposed mitigation (if necessary) is provided prior to the installation of such plant equipment.

#### Light

7.7.5 An appropriate lighting strategy which included lighting contours has been submitted that shows proposed column mounted, building mounted and bollard luminaires to be utilised that should offer an efficient and practical lighting solution for the development. However, Environmental Health has confirmed that as there is a fair amount of façade glazing at the development it may be a source of light trespass from internal light. This has not been assessed within the lighting strategy and mitigation may be required but could be controlled with appropriate façade design to be submitted for approval via conditional discharge. This additional light spill may combine with proposed external lighting and will need to be assessed as a whole. Therefore, a condition will be required conditioning submission of this prior to façade installation. The applicant has confirmed acceptance of this.

#### Air Quality

7.8 An Air Quality Assessment has been submitted as part of the proposals, taking into account the construction phase effect and operational development. It has been concluded that the development is predicted to have a negligible impact and as such the proposals would not

have a significant impact on air quality. Mitigation measures have been set out within Section 7 of the report and the Head of Law and Regulation (Contamination and Air Quality) has confirmed that such measures will make a contribution towards improving local air quality e.g., a travel plan which promotes walking and cycling routes for staff and 24% of parking bays having a dedicated Electric Vehicle charging point.

- 7.8.1 A technical note has been submitted in relation to construction vehicle traffic routes and how this will avoid any nearby Air Quality Management Areas (AQMAs) within City. The Head of Law and Regulation (Air Quality) has reviewed the document and is satisfied with its content. Initially, the Air Quality Officer requested a financial contribution via a Section 106 agreement towards air quality monitoring within the area, however this is not considered to be reasonable and will not be sought by the LPA. A Section 106 Agreement can only be sought when it would be necessary to make a development acceptable in planning terms, would be directly related to the development and would be fairly and reasonably related in scale and kind to the development. The site is not located within an AQMA or an Air Quality buffer zone and the Air Quality Assessment has concluded that the proposal would not have a significant impact on air quality. Therefore, it would not be considered that seeking a financial contribution towards air quality monitoring would be reasonable or necessary in this particular instance.

#### Construction Environmental Management Plan

- 7.9 The application has been submitted with a CEMP. The anticipated construction period whilst not confirmed within the CEMP is understood to commence during the second half of 2022, with an overall duration of up to three years. The CEMP outlines the general approach during construction towards matters of highway safety, noise and amenity and environmental contamination and pollution. Highways, Environmental Health, Ecology and Natural Resources Wales have not raised any issues in principle, however submission of a final CEMP will need to be made prior to commencement of development on site in relation to some additional matters. An amended CEMP has been requested but at the time of publishing this report had not been received. If the CEMP is submitted prior to planning committee then a late representation report will be issued with an update.
- 7.9.1 It is proposed to attach two conditions relating to the submission of two CEMPS. The first CEMP would relate to highway safety and protecting nearby amenity, where as the second would be specific to the environmental matters raised by NRW, which are considered and outlined within the Land Contamination section later in this report.
- 7.9.2 Environmental Health have recommended the CEMP adopts the following restricted hours in relation to associated activities audible beyond site boundaries;
- Monday to Friday 08:00am – 18:00pm
- Saturday 08:00am – 13:00pm
- 7.9.3 However, the applicant has requested the following;
- Monday to Saturday 07:00am – 19:00pm
- 7.9.4 Planning permission 20/1176 for the construction of two storey data centre buildings and associated works at a site directly to the east of the application site (which is currently under construction) restricted hours to those requested within this application i.e. Monday to Saturday 07:00am – 19:00pm. That site is approximately 60 metres closer to the sensitive receptors i.e. residential properties than this application site and Environmental Health agreed the additional hour either end of the day. The additional hours are particularly essential due to the current COVID restrictions and working arrangements to maintain social distancing and provide better flexibility during the project. These measures include staggering start times and lunch breaks and refining the construction programme to allow

more space between contractors and activities on site. The Welsh Government has issued guidance to local planning authorities to support extended construction working hours to support the construction industry during the pandemic. It is also worth noting that the proposal includes no piling works for foundations which can cause noise nuisance. A condition controlling stricter hours of piling as advised by Environmental Health will be applied, to cover this in the event that the foundation method changes.

- 7.9.5 On balance, taking into consideration the above, particularly the distance of approximately 300 metres from the nearest sensitive receptors and what has been allowed on an adjacent site in closer proximity to these receptors it would be unreasonable to restrict hours over and above those previously approved. Environmental Health had advised that as the hours are outside of normal recommended restrictions, if any noise complaints are received then they would look to use their own regulations to deal with this matter and may revert back to typical working hours. The conditioned construction allows would allow for internal works that would not be audible beyond site boundaries to be undertaken outside of the restricted hours.

#### Active Travel

- 7.10 The Sustainable Travel SPG states that proposed new development will need to take a holistic approach to consider how they link with their surrounding community and environment in a safe and sustainable way and all planning applications major development will need to set out how the proposed new development will link with its surrounding community and environment.
- 7.10.1 The Travel Plan acknowledges the high potential for journeys to the site by both walking and cycling based on journey times of a maximum of 30 minutes and it is important that the site incorporates features that further encourage sustainable means of transport to the site. Currently, the site has very limited dedicated pedestrian or cycle accessibility with the main access route along Celtic Way having a footway that terminates approximately 270 metres to the north of the site. The SPG states that in the event of there being a missing link outside of the control of the applicant, this should be identified and if it is considered essential to the proposed new development, and directly linked to the proposal then it might be appropriate for the Council to seek a planning contribution to complete the link.
- 7.10.2 Negotiation has taken place between the officer and the applicant during the course of the application, with the advice of the Active Travel Officer and the Council's project team being sought in relation to this matter. It has been concluded that the applicant is willing to enter a legal agreement to provide a financial contribution of £50,000 towards the provision of a new cycle and pedestrian route serving the development. At the time of writing this report, a Unilateral Undertaking had been drafted and sent to the applicant for review.
- 7.10.3 The proposed link would enhance sustainable access to the site for employees and is considered to be essential in order to make the scheme acceptable in relation to this matter and is a merit of the scheme. It is therefore considered that owing to this contribution being agreed the proposal is compliant with the aims of Policies SP1, GP4 and T5 of the NLDP 2011-2026 (adopted January 2015) and the Sustainable Travel SPG (adopted 2020).

#### Land Contamination

- 7.11 The proposed development site is approximately 134m from the Gwent Levels - St Brides Site of Special Scientific Interest (SSSI). The SSSI is notified for its range of aquatic plants and invertebrates associated with the interconnected reens and ditches of the drainage system. In summary, the special interests of the SSSI are dependent on the water quality, water quantity, the existence of the drainage system and its continued management. Any development which has an adverse impact on any of these factors will have an adverse impact on the wildlife for which the area was notified. NRW confirm it is unclear whether the existing surface water drainage discharge point and the receiving water course is linked to the SSSI or whether there is a pathway for pollutants from the site to the SSSI during construction. However, have requested a pre-commencement of development CEMP

condition that details pollution prevention and general site management, which is considered necessary and is included within the conditions regime.

- 7.11.1 NRW do not consider that controlled waters at this site are of the highest environmental sensitivity and therefore do not require detailed site specific advice or comments with regards to land contamination issues for this site. The Head of Law and Regulation (Contamination and Air Quality) has also not raised any concerns with regards to land contamination.
- 7.11.2 It is considered that the proposal is compliant with Policies SP4, GP5 and GP7 of the NLDP 2011-2026 (Adopted January 2015).

*Parking, Access and Highway Safety*

- 7.12 The proposed building would be a mix of B1 (Business) and B2 (General Industrial) use class. Welsh Government Technical Advice Note 18 Transport states that planning applications for industry development with a gross floor area of greater than 5,000m<sup>2</sup> should be accompanied by a Transport Assessment due to the likely scale of vehicle trips generated.
- 7.12.1 A Transport Assessment undertaken by Cambria Consulting Ltd has been submitted in support of the application. For the purposes of obtaining baseline data the applicant undertook traffic surveys on the 30<sup>th</sup> June 2021. Traffic has been affected by the current Covid 19 pandemic however the applicant has utilised Department for Transport data which shows that on the 30<sup>th</sup> June 2021 traffic levels were deemed to be at 97% when compared to pre Covid conditions. It is accepted that traffic levels fluctuate daily and therefore for the purpose of assessing the potential highway network impacts, the proposed baseline data is considered acceptable by the Head of City Services (Highways).
- 7.12.2 Automated traffic counts and surveys have been carried out to assess the vehicle movements associated with the existing facility at Ringland Way and whilst the Highways Officer confirmed this as being useful in determining the existing vehicle movements associated with SPTS, has reaffirmed that it is the 'planning use' of the proposed buildings which is being considered and therefore comparable TRICS data must also be provided. Following submission of this TRICS data the Highways Officer has confirmed that they are satisfied that the traffic impact on the surrounding area will not be significant.
- 7.12.3 Following a request by the Highways Officer, a Stage One Safety Audit has been carried out and a designer's response submitted. This raised some problems and recommendations for the scheme, however since this was submitted, and the site layout has been amended (omitting the parking area at Plot 5 and proposed access point off North Lake Drive) several of these points are no longer relevant or applicable. Outlined below are the relevant matters raised within the report, the Highways Officer comment, and the applicant response.

- **Problem A** - Restricted visibility toward the crossing may lead to pedestrian/vehicle collisions.

*Highways Response* – Agreed. In principle, amendments to the Gabion Wall could be sufficient to address the issue raised however details must be submitted for consideration. I would also suggest that any amendments should be passed back to the auditor for consideration in order to demonstrate that this matter has been fully addressed.

*Applicant Response* – The gabion basket has been moved to provide full visibility from the roundabout to the crossing.

- **Problem C** - Lack of recognition of speed limits may lead to speeding.

*Highways Response* - This is outside the scope of the development and is a matter for the highways authority which has been passed to the relevant officer.

*Applicant Response* – No further comment required.

- **Problem D** - Proximity of layby to the junction may cause conflicts between turning vehicles.

*Highways Response* - The lay by in question does not form part of the adopted highway. I also note that there is an existing access located in a similar to position to the proposed and therefore turning manoeuvres in this location would be expected.

*Applicant Response* – No further comment required.

- **Problem E** - Restricted visibility out of the junction may cause overshooting collisions.

*Highways Response* – Agreed, details must be submitted. It should also be noted that a minimum 'X' distance of 2.4m would be acceptable rather than the 4.5m shown

*Applicant Response* - Visibility splay is now marked on the drawing with an X distance of 2.4m. The queuing lane has been widened to move traffic out of the visibility splay in a 3m wide queuing lane. The footway reduced to 2m as a result.

- 7.12.4 The Council's Highways Officer has also confirmed that no structures or planting above a height of 600mm above carriageway level will be permitted within any visibility splay. This can be controlled via condition.
- 7.12.5 It is also noted that the Highways Officer has advised that a small area of the site along the eastern perimeter is located within the adopted highway. Following correspondence with Highways it is noted that within this area there is underground crates that attenuate highways surface water. The area of the site that this relates to has been redesigned that there is no built development above and the crates could be accessed if required, although this is understood to be unlikely or very infrequent. It has been confirmed that this particular area would need to be stopped up under the Highways Act with an easement over the land to allow access should it be required. In terms of the planning layout, this is acceptable and would not prevent permission being approved. In the event that an amendment to this section were to be required then there would be options available to the applicant such as submitting an application for a Non-Material Amendment. It is therefore not considered reasonable to withhold planning permission when a solution to resolve a minor issue would appear to be achievable, should it be needed.
- 7.12.6 The application proposes a building of mixed B1 and B2 use with a combined gross internal floor space of 17,732sqm and is located within Parking Zone 5 as per the Newport City Council Parking Standards SPG (Adopted August 2015). Non-operational parking requirement in Parking Zone 5 for the proposed use would be as set out below;

Use	Parking Standard SPG Requirement
B1 Office	1 parking space per 40sqm
B2 High Tech. Industry	1 parking space per 20sqm
B2 Industry	1 parking space per 80sqm

- 7.12.7 Based on the Parking Standards set out in the above table for the proposed use of the building, the below table identifies the total number of non-operational parking spaces the proposal would generate.

Use	Parking Standard SPG Requirement	Floor Area	Total Spaces
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B1 Office	1 parking space per 40sqm	7,803sqm / 40sqm	195no. spaces
B2 High Tech. Industry	1 parking space per 20sqm	4,267sqm / 20sqm	213no. spaces
B2 Industry	1 parking space per 80sqm	5,662 sqm / 80sqm	70no. spaces
<b>Total</b>		<b>17,732sqm</b>	<b>478no. spaces</b>

In the interest of clarity, it should be noted that when calculating the required number of spaces, functions of the building such as café, canteen, corridor spaces etc. have not been included within the calculated floor space as these in their own right would not generate a parking demand and support the main function of the building.

- 7.12.8 The final proposed parking layout provides a total of 438no. parking spaces. 25no. (5%) of these spaces would be allocated as wheelchair accessible parking bays, 107no. (24% electric vehicle parking bays and 25no. spaces (6%) for car sharing bays. There would also be an additional 21no. motorcycle bays. In relation to parking provision, the Head of City Services has confirmed an objection as based on the proposed floor space and mix of uses there is an under provision of 41no. spaces i.e. 8.6% compared to the adopted Parking Supplementary Planning Guidance (August 2015). Whilst this document has been adopted and therefore must be given significant weight, it is ultimately guidance. It should also be noted that the guidance does not discount floor area that would not contribute to parking demand, such as corridor space and ancillary areas and these have been included in calculations.
- 7.12.9 National Planning Policy is clear in encouraging a modal shift from private forms of transport and car dependent development and seeks to encourage active travel within the community. In particular Policies 2 and 12 of Future Wales: The National Plan 2040 (adopted February 2021) expect the planning system to promote a modal shift away from the use of cars and prioritise active travel modes including cycling and walking. The scheme provides 64no. long term cycle spaces and changing and shower facilities for cyclists and whilst not something the planning assessment gives weight to the applicant has also advised that the future occupant is enrolled in the Government's Cycle to Work Scheme. A site-specific Travel Plan is also being secured by condition. As referred to in the Active Travel section of this report, a £50,000 financial contribution is being made by the applicant and will be secured via legal agreement towards the cost of a footway/cycle way on Celtic Way. The proposed link would enhance sustainable access to the site for employees and is considered to be essential in order to make the scheme acceptable in relation to this matter. This is a merit of the scheme and will contribute to the modal shift towards active travel in line with national policy.
- 7.12.10 The proposal confirms that at any one time there would be 350 members on staff on shift, meaning that there would be space available during shift changes overs. It is noted that there will be 3no. shift times and it is not anticipated that 350no. staff will be changing over at anyone time. Whilst staff numbers may increase in the future, it is the applicant's intention that the remainder of Plot 5 which is under their control is ear marked for parking expansion as and when it may be required. Whilst it is accepted that this cannot be controlled and an assessment of the scheme before the LPA must be made, the applicant's commitment to providing satisfactory provision on site is duly noted. Overall, it is considered that when taking into account the merits of the scheme, the contribution in both financial and physical provision towards encouraging a modal shift to active travel which is encouraged in

National Planning Policy the parking shortfall of 8.6% is acceptable in this instance and is not considered to result in a harm to matters of highway safety.

7.12.11 Whilst a draft CEMP has been issued, it will be conditioned that prior to commencement of development a detailed and final CEMP is to be submitted and approved in writing by the LPA with regards to matters of highway safety so that final details requested can be agreed. Most matters are acceptable, however some final information is required prior to approval of the CEMP and whilst requested, these have not been received at the time of publishing this report.

7.12.12 Overall, it is considered that the proposal complies with the aims of Policy SP1, GP4 and T4 of the NLDP 2011-2026 (adopted January 2015).

#### Drainage and Flooding

7.13.1 The site is not within a flood risk zone and while a flood consequences assessment is not required, there is a requirement for the developer to design a scheme in context to recent legislative changes for Sustainable Drainage Systems (SUDS). In this regard, from 7th January 2019 developments with a construction area of 100 square metres or more or more than 1 dwelling, have been required to seek the prior approval of the Sustainable Drainage Approving Body (SAB) to a system of sustainable drainage to serve the project. This is mandatory and projects cannot lawfully commence without such approval.

7.13.2 A SuDs Strategy has been developed for the site and a Drainage Strategy Report has been submitted as supporting information. The drainage strategy for the scheme relies on infiltration to ground to control the surface water run-off together with some rain water harvesting. The surface water run-off from the new building and car park area will be collected via surface water drainage and conveyed via linear pipelines to geocellular attenuation tank storage located beneath the car park area. The infiltration test results indicate better than expected infiltration. The rainwater harvesting will allow collection of rain water for use within the new building including a grey water system and for use in the manufacturing process. A proportion of the surface water run-off arising from the good/service yard at the rear of the building will be directed to an attenuation pond.

7.13.3 A formal SAB application is currently before the Local Authority SAB Department and is under determination. Initial discussions with this department indicate that the surface water drainage strategy that is based on the revised proposed planning site layout before the committee and no significant issues were identified. The process of obtaining SAB approval is separate to the planning application process. Furthermore, the granting of planning permission does not convey approval to sustainable urban drainage systems and a separate SAB approval is required. Nevertheless, there is an intrinsic link between the layout and design of the scheme for planning purposes and the need to accommodate a drainage strategy which meets the requirements of the SAB.

7.13.4 Whilst the finer details are being considered within the SAB application, it is considered that the applicant has satisfied the requirements of policies SP1 Sustainability, SP4 Water Resources, GP5 Natural Environment and GP6 Quality of Design by ensuring that the applicant has considered sustainable drainage methods and is proposing no unacceptable impact on water quality.

#### Heritage Impact and Archaeology

7.14 The proposal submitted includes a Heritage Desk Based Assessment. The Council's Historic Building and Conservation Officer has reviewed the proposal and has confirmed that given the extent of the modern industrial development in the area, there is not considered to be any material impact on the setting of any designated historic assets and as such has no objection to the proposal. CADW were consulted as part of the Pre application Consultation Report (PAC) carried out by the applicant. CADW responded to

the consultation and indicated that intervening topography, buildings and vegetation mean it is unlikely that the proposal would be inter visible with the scheduled monuments or the registered park and gardens. Therefore it is unlikely that there would be any effect on the settings of the scheduled monuments or the registered park and gardens.

7.14.1 The application site is located close to the archaeologically sensitive area of Newport, however there are no designated sites within the immediate vicinity and a review of the historic ordnance survey mapping has also indicated no archaeological structures or features. The application area has already been developed in the late 20<sup>th</sup> century and GGAT consider it likely that any previous disturbance is likely to have had an adverse effect on any remains that may be present. Overall, GGAT consider it unlikely that archaeologically significant material will be encountered during the course of the proposed works. As a result, GGAT advise members that there is no objections to the positive determination of the application.

7.14.2 As such, the proposal would conserve the sensitive area in accordance with policy SP9 Conservation of the Natural, Historic and Built Environment and CE6-Archedology of the Adopted LDP 2011-2026.

**Section 106 Planning Obligation matters**

Summary

7.15 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.

<b>Service Area that requires planning obligation</b>	<b>Purpose of planning obligation</b>	<b>Planning obligation initially sought by Planning Authority</b>	<b>Summary Heads of Terms agreed by applicant(s)</b>	<b>Viability Issues?</b>
Regeneration, Investment and Housing	For the provision of a new pedestrian and cycle route serving the development	A financial contribution of £50,000	£50,000	No

Heads of Terms Agreed by Applicant

7.15.1 Prior to Commencement of the Development the Owner shall pay to the Council the sum of fifty thousand pounds (£ 50,000) for the provision of a new cycle and pedestrian route serving the Development.

Other Matters

7.16 There will be storage of gases within a dedicated external gas building and this has been subject to a design risk assessment undertaken by the applicant. The applicant has confirmed that SPTS have not triggered to HSE COMAH Regulations at their current manufacturing site at Ringland Way and will assess if the new facilities operating model changes this position, but the department leader do not see the growth in the manufacturing hall triggering COMAH as this zoner runs without specialist gases. It is the clean room where the Research and Development teams use gases but in very small volumes when compared to a Wafer or Semiconductor Production factory. SPTS currently operate under an Environmental Permit and register as a hazardous waste producer. It has been confirmed

that these permits will be re-applied for with NRW for the proposed facility prior to the move and SPTS will meet all code requirements.

## **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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

### **8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.**

### **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 Overall, it is considered that on balance the proposed development would have significant economic benefits and would not cause unacceptable impact on the environment or surrounding lands uses. The proposed development represents a sustainable development which accords with national policy and the Newport Local Development Plan 2011-2026 (adopted January 2015).**

## 10. RECOMMENDATION

### **GRANTED WITH CONDITIONS SUBJECT TO SECTION 106 LEGAL AGREEMENT WITH DELEGATED POWERS TO REFUSE THE APPLICATION IN THE EVENT THAT THE AGREEMENT IS NOT SIGNED WITHIN 3 MONTHS OF THE DECISION**

#### **Approved Plans**

01 The development shall be implemented in accordance with the following plans and documents; 21813-0800-P01 Design and Access Statement; 21813-CWA-SI-ZZ-DR-A-0301-P-00 Site as Proposed; 21813-CWA-KLA-00-DR-A-2001-05 Ground Floor as Proposed; 21813-CWA-KLA-01-DR-A-2002-05 First Floor as Proposed; 21813-CWA-KLA-02-DR-A-2003-04 Second Floor as Proposed; 21813-CWA-KLA-R1-DR-A-2004-03 Roof Plan; 21813-CWA-KLA-ZZ-DR-A-2101-07 Elevations as Proposed; 21813-CWA-KLA-ZZ-DR-A-2201-05 GA Sections 1-2; 21813-CWA-GH-ZZ-DR-A-2051-P-00 Gatehouse GA Plan; 21813-CWA-GH-ZZ-DR-A-2151-P-01 Elevations as Proposed; 21813-CWA-SI-ZZ-DR-A-0311-P-00 EV Charging Provision Plan; 21813-CWA-SI-ZZ-DR-A-0312-P-00 Boundary Treatment Plan Edge Sections; 21813-CWA-SI-ZZ-DR-A-0313-P-00 Cycle Shelter Details; 21813-CWA-SI-ZZ-DR-A-0314-P-00 Pedestrian Site Access; 21813-CWA-SI-ZZ-DR-A-0321 Celtic Way Streetscene; 21813-CWA-SI-ZZ-DR-A-0322 Covered Yard Storage Plans and Elevations; C8147-500\_P0 Proposed Site Levels; C8147-501\_P2 Proposed Site Drainage; C8147-504\_P0 Proposed Surfacing and Specifications; C8147-507\_P0 Proposed Road Junction GAs and Visibility Splays; C8147-Project Porth-Newport Drainage Strategy Report; Ecological Impact Assessment May 2022; Preliminary Ecological Appraisal (PEA) Report May 2022; Transport Assessment (May 2022); Tree Felling and Protection Plan; Technical Note – Construction Routes (June 2022).

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**

##### **Construction Environment Management Plan (CEMP) (Env. Health & Highways)**

02 Prior to the commencement of any works associated with the development hereby approved, a CEMP shall be submitted to and approved in writing by the Local Planning Authority. Details shall include;

##### *Highway Safety*

- Construction vehicle routes;
- A plan showing location of the contractor compound, turning facilities for deliveries and contractor parking;
- Contractor parking;
- Wheel wash facilities;
- Dust suppression.

##### *Environmental Control*

- Control measures for dust, noise, vibration, lighting, pest control;
- Restriction of hours of work and all associated activities audible beyond the site boundary to 07:00 hours – 19:00 hours Mondays to Saturdays (inclusive) and no works on Sundays or public/bank holidays unless otherwise firstly agreed in writing by the LPA;
- Advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works.

The approved CEMP details shall be implemented and carried out through the duration of the project.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site and to ensure adequate highway safety. In accordance with Policy GP2, GP4 and GP7 of the NLDP 2011-2026 (adopted January 2015).

### **Construction Environment Management Plan (CEMP) (Ecology/Contamination)**

03 Prior to the commencement of any works associated with the development hereby approved, a CEMP shall be submitted to and approved in writing by the Local Planning Authority. Details shall include;

- General Site Maintenance: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of measures to ensure contaminants do not enter the existing surface water drainage network, emergency spill procedures and incident response plan.
- The CEMP should make reference to pollution prevention guidance PPG 6: Working at construction and demolition sites available from <https://www.netregs.org.uk/environmentaltopics/guidance-for-pollution-prevention-gpp-documents/guidance-for-pollution-prevention-> [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk) [www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk) Page 6 of 6 gpps-full-list/. A link to this guidance should be included within the CEMP.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure necessary management measures are agreed and implemented for the protection of the environment during construction in accordance with Policy GP2, GP4 and GP5 of the NLDP 2011-2026 (adopted January 2015).

### **Dormice Conservation Strategy**

04 Prior to the commencement of any works on site (including site clearance and preparation) a Dormice Conservation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy should include, but not be limited to, the following;

- An assessment of the direct and indirect impacts of the proposal on dormice;
- Details of protective measures to be taken to minimise, mitigate and/or compensate for the impacts identified;
- A plan showing habitat to be lost/created/retained/restored, which will identify the extent and location on appropriate scale. Following clearance of Plot 1 to the ground, we advise that restoration focused habitat creation form a major part of these proposals, and be notably more extensive than shown on Capita drawing SPT CAP 00 XX DR A 910003 titled Proposed Site Plan rev P10 dated 22/12/21;
- Details of timing, phasing and duration of construction activities and conservation measures;
- Submission of a long-term site management plan.

- Long-term monitoring plan;
- Persons responsible for implementing the works.

Reason: In the interests of conserving European protected species in accordance with Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

### **External and Internal Lighting Details**

05 Prior to the installation of the floodlighting scheme and building façade glazing, full details shall be submitted to and approved in writing by the Local Planning Authority to provide that:

- Light into neighbouring residential windows generated from the floodlights shall not exceed 10 Ev (lux) (vertical illuminance in lux).
- Each floodlight must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical.
- The floodlighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 5%
- Details of suitable façade glazing/external membrane, lighting periods within main glazed facades and mitigation measures to minimise light trespass, glare and sky glow from internally transmitted or reflected artificial light

The submitted scheme shall include an isolux diagram showing the predicted Illuminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties.

The approved scheme shall be implemented prior to first use of the lighting and be permanently maintained in that state thereafter.

Reason: In the interests of protecting the residential amenity of neighbouring properties in accordance with Policy GP2 and GP7 of the NLDP 2011-2026 (adopted January 2015).

### **Root Protection Barrier Fencing**

06 No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, forming of site compound and operations involving the use of motorised vehicles or construction machinery) shall commence at Plot 5 until Root Protection Barrier fencing has been installed in accordance with details to be firstly approved in writing by the Local Planning Authority.

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

Reason: To protect important landscape features within the site in accordance with Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

### **Arboricultural Watching Brief**

07 No development, to include demolition, shall commence until an Arboriculturist 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 of the alteration or temporary removal of any Barrier Fencing; .
- d) Oversee working within any Root Protection Area eg any re profiling/grading of existing levels, construction of car parking bays, and landscaping operations.
- e) Reporting to the Local Planning Authority and providing a revised Arboricultural Method Statement if operations on site dictate
- f) 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 of the NLDP 2011-2026 (adopted January 2015).

### **Soft Landscaping and Ecological Mitigation, Compensation and Enhancement Plan**

08 Notwithstanding the information submitted, prior to the construction of the building superstructure written approval of the Local Planning Authority is required for a scheme of soft landscaping and tree planting (including details of what will be retained) for the site (indicating the number, species, heights on planting and positions of all trees and shrubs as well as details of phased implementation of infrastructure planting). The scheme shall also include a plan that contains details of the ecological mitigation, enhancement and compensation in accordance with the measures outlined within approved document "Ecological Impact Assessment (EclA) Report May 2022".

The approved scheme shall be carried out in line with the approved phasing and in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, the approved details be maintained for a period of 5 years from the date of planting/installation in accordance with an agreed management schedule to be submitted. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner and satisfactory ecological mitigation and enhancement is provided in accordance with Policy SP9, GP2 and GP5 of the NLDP 2011-2026 (adopted January 2015).

### **Noise Assessment for Plant Equipment**

09 Prior to the installation the proposed plant equipment, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment in accordance with Policy GP2.

### **No Penetrative Ground Methods**

10 No piling or any other foundation designs using penetrative methods shall be carried out until details sufficient to demonstrate that there is no unacceptable risk to groundwater have

been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details. Reason: Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development in accordance with Policy GP3 of the NLDP 2011-2026 (adopted January 2015).

### ***Pre- Construction***

#### **External Materials**

11 Prior to the construction of the building's façade, details/samples of materials and finishes to be used on the external surfaces shall be 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 the development is carried out in an acceptable manner in accordance with Policy GP6 of the NLDP 2011-2026 (adopted January 2015).

#### **Details of Photovoltaic Panels**

12 Prior to installation, full details of the proposed photovoltaic cells (including a plan showing the number and location) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and in use prior to the first beneficial use of the building hereby approved and retained in working order thereafter.

Reason: In the interests of sustainable development and protecting visual amenity in accordance with Policy SP5 and GP2 of the NLDP 2011-2026 (adopted January 2015).

#### **Landscape and Ecological Management Plan (LEMP)**

13 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior implementation of landscaping scheme. The content of the LEMP shall cover the entire application site and include the following:

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organization responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To mitigate and compensate for the loss of habitats in accordance with LDP policy GP5 and to provide ecological net benefit as required in Planning Policy Wales Edition 10.

#### **Scheme of CCTV**

14 Prior to installation, full details of a scheme for CCTV shall be submitted to and approved in writing by the LPA. The scheme shall include a plan showing the location, siting and number of units as well as the technical specification details of the cameras, direction of view and their external appearance/colour. The development shall accord with these approved details and retained thereafter.

Reason: In the interests of neighbouring and visual amenity in accordance with Policy GP2 and GP6 of the NLDP 2011-2026 (adopted January 2015).

### ***Pre Occupation***

### **Parking Provision**

15 Prior to the first beneficial use of the building hereby approved the car parking (including electric charging points) shall be provided fully in accordance with “21813-CWA-SI-ZZ-DR-A-0311-P-00 EV Charging Provision Plan” and “21813-CWA-SI-ZZ-DR-A-0301-P-00 Site as Proposed” and retained for the availability of parking thereafter.

Reason: In the interests of adequate parking provision and matters of highway safety in accordance with Policy GP4 and T4 of the NLDP 2011-2026 (adopted January 2015).

### **Visibility Splays**

16 Prior to the first beneficial use of the access hereby approved the approved visibility splays and sight line areas shown on the approved drawings shall be provided. All these areas shall therefore be kept free of all obstructions to visibility over a height of 0.6 metres

Reason: In the interests of highway safety in accordance with Policy GP4 of the NLDP 2011-2026 (adopted January 2015).

### **Cycle Store Details**

17 The covered cycle storage shall be provided in full accordance with “21813-CWA-SI-ZZ-DR-A-0301-P-00 Site As Proposed” and made available for use prior to the first use of the building and retained in that state thereafter.

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

### **Travel Plan**

18 Prior to the beneficial use of the development hereby approved a Travel Plan (including discouragement of petrol/diesel vehicles how the Travel Plan would approach this) shall be submitted to and approved in writing by the Local Planning Authority. The development shall operate in accordance with the approved Travel Plan.

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

### ***General Conditions***

#### **Construction Traffic Route**

19 The travel routes undertaken by all construction traffic shall be in accordance with approved document “Technical Note – Construction Traffic Route”. All construction traffic shall avoid Air Quality Management Areas, unless details have firstly been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of minimising the impact on the AQMAs in accordance with Policy GP2 and GP7 of the NLDP 2011-2026 (adopted January 2015).

### **Hard Landscaping & Boundary Treatments**

20 The development shall be completed in full accordance with the approved Hard Landscaping and Boundary Treatment details as listed in Condition 01 prior to the first beneficial use of the development. Thereafter no other hard surfaces or boundary treatments or enclosures shall be installed at the site without the prior written approval of the Local Planning Authority.

Reason: To protect visual amenity and ensure the development is completed in a manner compatible with its surroundings in accordance with Policy GP2 and GP6 of the NLDP 2011-2026 (adopted January 2015).

### **Restriction of Use Class**

21 Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or any Order revoking or re-enacting that Order, the proposed development shall be used for the B1 and B2 Manufacturing and Research and Development Facility with Administrative Office use and for no other purpose, including any purpose in Class B1 or B2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provisions equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: To ensure the control on the specific B1 and B2 use in this scheme and to protect from permitted changes to alternative uses that could potentially harm neighbouring amenity, parking and highway safety in accordance with Policies GP2, GP4 and T4 of the NLDP 2011-2026 (adopted January 2015).

### **Scheme of Drainage**

22 The foul and surface water strategy for the site shall be undertaken in full accordance with the approved drainage documents listed in Condition 01 prior to the first occupation of the development, unless otherwise firstly approved in writing by the Local Planning Authority. No further foul water shall be allowed to connect directly or indirectly with the public sewerage system and no surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policy GP2 and GP3 of the NLDP 2011-2026 (adopted January 2015).

### **Anti-Vibration Measures**

23 Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with Policy GP2 and GP7 of the NLDP 2011-2026 (adopted January 2015).

### **Hours of Construction**

24 The hours of construction shall be restricted to the following hours of operation (excluding internal fitting works that would not create an audible noise outside the boundary of the site):

#### Construction Hours - Non-Piling

i) No development, (including land raising and demolition if required) shall be carried out other than between the hours of 07.00 and 19.00 Monday to Saturday

#### Construction Hours - Piling

ii) 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 Public and Bank Holidays.

Prior Approval - Out of Hours

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

Reason: In the interests of residential amenity in accordance with Policy GP2 and GP7 of the NLDP 2011-2026 (adopted January 2015).

### **Ecological Impact Assessment (EcIA)**

25 The proposed development shall take place in full accordance with the approved Ecological Impact Assessment (January 2022).

Reason: In the interests of mitigation, compensating and enhancing ecological interests at the site in accordance with Policy GP5 of the NLDP 2011-2026 (adopted January 2015) and National Planning Policy.

#### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: 21813-CWA-SI-ZZ-DR-A-0201-P-00 Site Location Plan; 21813-0800-P01 Design and Access Statement; 21813-CWA-SI-ZZ-DR-A-0301-P-00 Site as Proposed; 21813-CWA-KLA-00-DR-A-2001-05 Ground Floor as Proposed; 21813-CWA-KLA-01-DR-A-2002-05 First Floor as Proposed; 21813-CWA-KLA-02-DR-A-2003-04 Second Floor as Proposed; 21813-CWA-KLA-R1-DR-A-2004-03 Roof Plan; 21813-CWA-KLA-ZZ-DR-A-2101-07 Elevations as Proposed; 21813-CWA-KLA-ZZ-DR-A-2201-05 GA Sections 1-2; 21813-CWA-GH-ZZ-DR-A-2051-P-00 Gatehouse GA Plan; 21813-CWA-GH-ZZ-DR-A-2151-P-01 Elevations as Proposed; 21813-CWA-SI-ZZ-DR-A-0311-P-00 EV Charging Provision Plan; 21813-CWA-SI-ZZ-DR-A-0312-P-00 Boundary Treatment Plan Edge Sections; 21813-CWA-SI-ZZ-DR-A-0313-P-00 Cycle Shelter Details; 21813-CWA-SI-ZZ-DR-A-0314-P-00 Pedestrian Site Access; 21813-CWA-SI-ZZ-DR-A-0321 Celtic Way Streetscene; 21813-CWA-SI-ZZ-DR-A-0322 Covered Yard Storage Plans and Elevations; C8147-500\_P0 Proposed Site Levels; C8147-501\_P2 Proposed Site Drainage; C8147-504\_P0 Proposed Surfacing and Specifications; C8147-507\_P0 Proposed Road Junction GAs and Visibility Splays; C8147-Project Porth-Newport Drainage Strategy Report; Ecological Impact Assessment May 2022; Preliminary Ecological Appraisal (PEA) Report May 2022; Transport Assessment (May 2022); Tree Felling and Protection Plan; 21813-CWA-SI-ZZ-DR-A-0202-P-00 Site as Existing; 21813-CWA-SI-ZZ-DR-A-0321 Celtic Way Streetscene; 21812-CWA-SI-ZZ-VS-A-001-P00 Visual 1; 21812-CWA-SI-ZZ-VS-A-002-P00 Visual 2; 0104115-HLEA-XX-XX-DR-E-700001 P2 - External Lighting; External Lighting Strategy Report; REP-0104115-08-DS-20220506-MEP Philosophy and Basis of Design P01; REP-2324557-5A-BFE-20220506-Part L2A 2014 Report Rev 02; GH006637-L001 SPTS Landscape Soft Works P02; C8147-505\_P0 Swept Path Analysis; C8147-506\_P0 Flood Exceedance Routing Plan; Flow Rate Information for Welsh Water; Project Porth Bird Breeding Survey Report May 2022; Project Porth Great Crested Newt eDNA Survey Report May 2022; Project Porth Great Crested Newt Habitat Suitability Index Report May 2022; Project Porth Reptile Survey Report May 2022; Project Porth Water Vole Survey Report May 2022; Air Quality Assessment (October 2021); Noise Impact Assessment; Travel Plan; Development Proposal Statement; Construction Environment Management Plan.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1 – Sustainability, SP2- Health, SP4- Water Resources, SP9- Conservation of the Natural, Historic and Built Environment SP17 – Employment Land, SP18- Urban Regeneration, GP2 – General Amenity, GP3 – Service Infrastructure, GP4 – Highways and Accessibility, GP5 – Natural Environment, GP6 – Quality of Design, GP7- Environmental Protection and Public Health, CE1- Route ways, Corridors and Gateways, CE6 Archaeology, CE8 Locally Designated Nature Conservation and Geological Sites, T4 – Parking, T5- Walking and Cycling, W3 – Provision for Waste Management Facilities were relevant to the determination of this application.

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

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

05 Land potentially affected by contamination Natural Resources Wales considers that the controlled waters at this site are not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site

06 If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted.

07 The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

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## 1. LATE REPRESENTATIONS

- 1.1 NATURAL RESOURCES WALES: I've had a reply from our Species Team and they have no issues with the proposed condition and consider it an acceptable way to progress the application.
- 1.2 THE HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH): Further to the Noise & Neighbourhood Team comments, we make the following addition comment to address feedback from both the Planning Officer and Applicant.

### **Noise:**

Although background levels have been stated within the acoustic assessment, there is no detailed design at this stage, and they are removing the need to have any tonal element to the condition. 5dB below background is to protect background creep and hence the 10dB if there are any tonal elements to the installation which has not been designed yet. Therefore, we recommend the following condition is applied to any planning permission:

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 5dBA, by 10dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

**Reason:** To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment.

### **CEMP:**

A draft 'Outline Construction Environmental Management Plan' has been submitted ref: SPT-CAP-XX-XX-RP-A-00014 that adequately sets out environmental controls for the construction of the development. This will be a 'live' document and will need updating as the development design is finalised.

I do not offer any objections to the application and suggest no additional conditions for the development.

The construction management plan shall be submitted to and approved in writing by the Council as the construction design is finalised. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, and all associated activities audible beyond the site boundary advance notification to neighbours and other interested parties of proposed

works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details and updates shall be implemented throughout the project period to the Planning authority.

We agree to the following construction times (as below). However, if the Council receive statutory nuisance complaints, we reserve the right to review the construction hours.

**(i) Construction Hours – Non-Piling**

No development, (including land raising and demolition if required) shall be carried out other than between the hours of 07.00 and 19.00 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 amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site.

**2. OFFICER RESPONSE TO LATE REPRESENTATIONS**

Natural Resources Wales

2.1 Following the publication of the officer report correspondence has been ongoing with the applicant in relation to the wording of recommended Condition 04 – Dormice Conservation Strategy. The published recommended condition reads as below;

*04 Prior to the commencement of any works on site (including site clearance and preparation) a Dormice Conservation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy should include, but not be limited to, the following;*

- *An assessment of the direct and indirect impacts of the proposal on dormice;*
- *Details of protective measures to be taken to minimise, mitigate and/or compensate for the impacts identified;*
- *A plan showing habitat to be lost/created/retained/restored, which will identify the extent and location on appropriate scale. Following clearance of Plot 1 to the ground, we advise that restoration focused habitat creation form a major part of these proposals, and be notably more extensive than shown on Capita drawing SPT CAP 00 XX DR A 910003 titled Proposed Site Plan rev P10 dated 22/12/21;*
- *Details of timing, phasing and duration of construction activities and conservation measures;*
- *Submission of a long-term site management plan.*
- *Long-term monitoring plan;*
- *Persons responsible for implementing the works.*

*Reason: In the interests of conserving European protected species in accordance with Policy GP5 of the NLDP 2011-2026 (adopted January 2015).*

2.2 The applicant has suggested the wording of this condition be amended to a less restrictive condition that would allow works outside of the sensitive areas that would not impact Dormice to be undertaken prior to the submission of the Conservation Strategy. The suggested wording reads below;

*04 No works shall of any description shall commence in the areas marked as “Work Exclusion Zone” shown on “Drawing No. GC4170-CAP-61-XX-DRL0L-3001 – Construction Exclusion Zone Plan Rev P01” until a Dormice Conservation Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy should include, but not be limited to, the following;*

- An assessment of the direct and indirect impacts of the proposal on dormice;*
- Details of protective measures to be taken to minimise, mitigate and/or compensate for the impacts identified;*
- A plan showing habitat to be lost/created/retained/restored, which will identify the extent and location on appropriate scale. Following clearance of Plot 1 to the ground, we advise that restoration focused habitat creation form a major part of these proposals, and be notably more extensive than shown on Capita drawing SPT CAP 00 XX DR A 910003 titled Proposed Site Plan rev P10 dated 22/12/21;*
- Details of timing, phasing and duration of construction activities and conservation measures;*
- Submission of a long-term site management plan.*
- Long-term monitoring plan;*
- Persons responsible for implementing the works.*

*Reason: In the interests of conserving European protected species in accordance with Policy GP5 of the NLDP 2011-2026 (adopted January 2015).*

- 2.3 The NRW case officer has confirmed that following discussion with their technical consultee, there are no objections to the wording of the proposed condition. As such, it is proposed that this wording replaces the current wording of Condition 04 as set out in the committee report.

#### Environmental Health

- 2.4 Following the publication of the officer report correspondence has been ongoing with the applicant in relation to the wording of recommended Condition 09 – Noise Assessment for Planting Equipment. The published recommended condition reads as below;

*09 Prior to the installation the proposed plant equipment, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.*

*Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment in accordance with Policy GP2.*

- 2.5 The applicant’s acoustic consultant provided supporting correspondence in relation to the level of background tonal noise. Following consideration, the Environmental Health Officer has revised the wording of the suggested condition in relation to this. Whilst officers are happy with the content of the suggested wording, the pre commencement requirement for conditional discharge is considered to be too strict as no harm would occur at this point. As such, the trigger point for submission is to be amended to prior to installation of the equipment, and worded as below;

*09 Prior to installation of the proposed plant equipment, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 5dBA, by 10dBA where the source is tonal, as*

*assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.*

*Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment in accordance with Policy GP2 and GP7.*

### **3. OFFICER RECOMMENDATION**

- 3.1 Overall the updated responses from consultees do not impact on the recommendation to the planning committee, however it is suggested that Condition 04 and 09 are revised in accordance with the wording stated within this response.
- 3.2 **GRANTED WITH CONDITIONS SUBJECT TO SECTION 106 LEGAL AGREEMENT WITH DELEGATED POWERS TO REFUSE THE APPLICATION IN THE EVENT THAT THE AGREEMENT IS NOT SIGNED WITHIN 3 MONTHS OF THE DECISION**

2.

**APPLICATION DETAILS**

**No:** 21/1217      **Ward:** Pillgwenlly  
**Type:** Full Application  
**Expiry Date:** 13th July 2022  
**Applicant:** M Lewis  
**Site:** Land South Of Visitor Centre Transporter Bridge Brunel Street Newport South Wales  
**Proposal:** REPLACEMENT OF RETAINING WALL  
**Recommendation:** GRANTED WITH CONDITIONS

**1. INTRODUCTION**

1.1 This application seeks full planning permission for the replacement of a retaining wall on the banks of the River Usk and adjacent to the Transporter Bridge and its visitor centre.



1.2 Planning permission and Listed Building Consent were granted for the repair and restoration of the Transporter Bridge, demolition of the existing visitor centre and the provision of a new expanded visitor centre. It is understood that the proposed replacement retaining wall is required to create stability along the river bank to allow for the construction of the new visitor centre.

1.3 The application is brought before planning committee as the Council is the land owner.

**2. RELEVANT SITE HISTORY**

95/0992	ENVIRONMENTAL IMPROVEMENTS INCLUDING BANK PROTECTION WORKS	Granted conditions	with
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98/1155	DEMOLITION OF EXISTING FLAT ROOF OFFICE & REPLACEMENT WITH SINGLE STOREY BUILDING TO BE USED AS OFFICE & VISITOR CENTRE ASSOCIATED LANDSCAPING & PARKING & ERECTION OF FENCE ALONG THE SOUTHERN BOUNDARY OF THE SITE	Granted conditions	with
19/1164	REPAIR AND RESTORATION OF NEWPORT TRANSPORTER BRIDGE, DEMOLITION OF EXISTING VISITOR CENTRE, PROVISION OF NEW EXPANDED VISITOR FACILITIES, NEW LIGHTING SCHEME AND ASSOCIATED LANDSCAPING WORKS. CONSERVATION OF THE ENGINEERING STRUCTURE OF THE BRIDGE, PLUS THE RESTORATION OF ANCILLARY ELEMENTS INCLUDING THE GONDOLA, MOTOR HOUSE, ANCHOR HOUSES AND ANCHOR CABLES. DESIGN WORK INCLUDING THE ANALYSIS OF THE STRUCTURE AND THE SPECIFIC ACTION OF REPAIRS TO THE STRUCTURE AND ANCILLARY COMPONENTS. AFFECTING PUBLIC RIGHT OF WAY NEWPORT COASTAL PATH 403/2/1	Granted conditions	with
19/1165	LISTED BUILDING CONSENT FOR REPAIR AND RESTORATION OF NEWPORT TRANSPORTER BRIDGE, DEMOLITION OF EXISTING VISITOR CENTRE, PROVISION OF NEW EXPANDED VISITOR FACILITIES, NEW LIGHTING SCHEME AND ASSOCIATED LANDSCAPING WORKS. CONSERVATION OF THE ENGINEERING STRUCTURE OF THE BRIDGE, PLUS THE RESTORATION OF ANCILLARY ELEMENTS INCLUDING THE GONDOLA, MOTOR HOUSE, ANCHOR HOUSES AND ANCHOR CABLES. DESIGN WORK INCLUDING THE ANALYSIS OF THE STRUCTURE AND THE SPECIFIC ACTION OF REPAIRS TO THE STRUCTURE AND ANCILLARY COMPONENTS. AFFECTING PUBLIC RIGHT OF WAY NEWPORT COASTAL PATH 403/2/1	Granted conditions	with
21/1246	PARKING PROVISION TO SERVE TRANSPORTER BRIDGE VISITORS	Pending consideration	

### 3. POLICY CONTEXT

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

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

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

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

Policy **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 **CF8 Tourism** promotes tourism related development particularly where regeneration objectives will be complemented.

3.2 National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals. The following chapters and sections are of particular relevance in the assessment of this planning application:

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

#### 4. CONSULTATIONS

#### 4.1 NATURAL RESOURCES WALES:

4.1.1 Flood Risk: Our Flood Risk Map confirms the application site lies entirely within Zone C2 of the Development Advice Map (DAM) as contained in TAN15. Given the nature of the proposed development (and in the absence of a flood consequences assessment), we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks.

4.1.2 Protected Species: We recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of protected species being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) surveys may be required.

4.1.3 Protected Sites: River Usk Special Area of Conservation (SAC): We have reviewed the HRA Screening Matrix and Appropriate Assessment (AA), prepared by your Authority, undated. We consider that provided a robust Construction Environmental Management Plan (CEMP) is implemented for the works, and the other conditions suggested within the AA are fully implemented, adverse impacts on the features of the River Usk SAC will be avoided.

4.1.4 Migratory Fish: The AA identifies the potential impacts from noise, vibration and light during the construction phase on migratory fish. We recommend that in addition to conditioning a CEMP, a condition should be placed requiring a method statement for the piling works and restricting the timing of works. Ideally the method statement would specify vibro-piling/vibration piling as opposed to percussive piling methods, and piling would take place during low tide conditions (between 1st July and 30th September). These measures would reduce the impact on migratory fish, and especially Shad, which are particularly sensitive to noise.

4.1.5 Otter: We agree with the AA recommendation to implement a condition for a CEMP and a condition associated with restricting working hours. We also note and support the need for a lighting condition to ensure light pollution is appropriately managed.

4.1.6 Pollution Prevention: We agree with the conclusion that adverse impacts to the features of the River Usk SAC can be avoided through conditioning a CEMP.

4.2 **GLAMORGAN GWENT ARCHAEOLOGICAL TRUST**: We have consulted the regional Historic Environment Record (HER) and note that the proposal is located in an area of archaeological potential. The Transporter Bridge is a Grade I Listed Building (Cadw ref. 3076, 17414 and 17415) dating to 1902-06 and is one of only two functioning transporter bridges in the UK. A review of historic mapping also indicates that the area was associated with maritime activity with wharves and linked infrastructure in the vicinity.

4.2.1 However the current application is for a replacement retaining wall on the same alignment as the existing structure. Therefore it is unlikely that archaeologically significant material will be encountered during the course of the proposed works. As a result, there is unlikely to be an archaeological restraint to this proposed development. Consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.

#### 5. INTERNAL COUNCIL ADVICE

5.1 **HEAD OF CITY SERVICES (LANDSCAPE)**: An email from the applicant confirms this is tied into application 19/1165. If this is the case, I have no further comments. For the record, the landscape information quoted in the email are later versions than those submitted for the 19/1165 application.

5.2 **HEAD OF CITY SERVICES (ECOLOGY)**: Looking at the documents on file, it is evident that the proposed works would take place within the boundary of the River Usk SSSI and Special Area of Conservation. This being the case we should consult NRW on this application if we have not done so already, though I think it likely they will advise that we need to undertake a HRA before granting consent. Normally we would ask the Applicant to engage an Ecological Consultant to produce a 'shadow' HRA based upon the construction methodology and the likely impacts upon the designated site, and if we accept the methodology and conclusions of the sHRA then we adopt it as our own before granting consent.

- 5.2.1 I would have no concerns about this application otherwise.
- 5.3 HEAD OF CITY SERVICES (STRUCTURES): The proposed wall does not retain the public highway, so I have no comments to make on the application.
- 5.4 HEAD OF CITY SERVICES (TREE OFFICER): No tree objections. However, replacement tree planting will be required.
- 5.5 HISTORIC BUILDINGS CONSERVATION OFFICER: No response.

## **6. REPRESENTATIONS**

- 6.1 NEIGHBOURS: All properties sharing a common boundary with the application site were consulted (1 property), a site notice was displayed and a press notice published in South Wales Argus. No responses.

## **7. ASSESSMENT**

- 7.1 This site relates to a section of the River Usk bank, just north of the Transporter Bridge and to the east of the existing visitor centre building. The bank is currently supported by a wall, which is failing in a number of places. A metal post and rail fence runs along the top of the wall.

### **7.2 The proposals**

- 7.2.1 It is proposed to replace the wall with sheet piling, which would be pile driven into the ground. Sheet piles would be installed one at a time, 200mm in front of the existing wall. The sheet piles would have a concrete capping beam. The existing wall and fence would remain in place during the works. Once the piles are completed then the old wall would be removed and backfilled as necessary. The new wall would follow the existing contour of the ground, which is relatively flat, except for a small section that connects with another retaining wall, closer to the bridge piers. This part would be raised and levelled out. A similar post and rail fence would be fixed to the top of the wall.

### **7.3 Habitats Regulations Assessment**

- 7.3.1 The application site is located within the River Usk SAC and SSSI. Section 63 of The Conservation of Habitats and Species Regulations 2017 requires any competent authority to undertake a Habitats Regulations Assessment to test if a plan or project proposal could significantly harm the designated features of a European site.

- 7.3.2 The assessment is informed by the Preliminary Ecological Appraisal (PEA) and Ecological Impact Assessment (EclA) undertaken by Ecological Services Ltd in February 2019 and February 2020 respectively. These assessments were carried out to inform the wider visitor expansion works (19/1164) but are considered to be appropriately relevant to this proposal.

- 7.3.3 The zone of influence of 20km for internationally designated sites is identified. This includes the River Usk SAC (immediately adjacent) and Severn Estuary SAC, SPA and Ramsar (2.5 km south).

#### **7.3.4 Stage 1 - Screening**

##### Severn Estuary

It is considered that the proposed development would not result in Likely Significant Effects (LSE) upon the Severn Estuary SAC/SPA/Ramsar due to intervening and characteristics/disturbance of nearby habitat. The Severn Estuary SAC/SPA/Ramsar is therefore Screened out of further assessment.

##### River Usk

The River Usk is designated as a Special Area of Conservation (SAC). It is designated a SAC as it supports the species of Allis Shad, Twaite Shad, Bullhead, River Lamprey, Brook Lamprey, Sea Lamprey, Atlantic Salmon and Otter.

The River Usk is considered to be one of the best examples of a near natural river system in England and Wales. The range of plants and animals reflects a transition from nutrient poor to naturally rich. It was notified to protect a wide range of habitats and features. It also acts

as an important wildlife corridor, an essential migration route and a key breeding area for nationally and internationally important species, including otter.

The conservation objectives of the SAC are contained within Appendix 1.

It is considered that in the absence of mitigation, the proposed development has the potential to result in Likely Significant Effects (LSE) upon the River Usk SAC as a result of disturbance impacts on aquatic species and potential pollution incidents affecting qualifying habitats and the species that depend on them and direct killing/injury of aquatic fauna during construction.

The impacts from the following factors have been taken forward to Appropriate Assessment:

- Noise, vibration and light during the construction phase; and
- Pollution/surface water run-off during construction.

### 7.3.5 **Appropriate Assessment**

#### Noise, vibration and light during the construction phase

##### *Migratory fish*

The proposal would involve construction works within the banks of the River Usk. It is proposed to replace an existing retaining wall with a sheet piled retaining wall. The proposal does not include a new structure in the banks of the river, nor would its position or size be modified or increased. The proposal would not result in a loss of riparian habitat. However, the construction works have the potential to cause disturbance from noise, vibration and light and this could affect the migratory fish species listed as features of the River Usk SAC (Twait and Allis Shad, Atlantic Salmon, Sea and River Lamprey).

The precise method for driving the sheet piling has not been provided and it is possible that vibratory methods would be used. This is considered to have the potential to impact fish in the River Usk by causing high levels of noise or vibration. As the construction method is not yet known a broad condition requiring a Construction Environmental Management Plan (CEMP) is recommended. Within this condition specific details of measures to minimise noise and vibration are required.

Light disturbance during the construction phases has the potential to impact fish in the River Usk. This impact may be prevalent during the winter months. The CEMP would require details of measures to control light spill.

##### *Otter*

The PEA identifies that it is unlikely that an otter holt or resting site are currently present within or adjacent to the proposed development site. Instead, the presence of otter moving up and down the river is assumed, otter footprints were found underneath the eastern deck of the Transporter Bridge. The proposed works would directly impact the river banks, although no new structures are proposed, rather replacement of materials. It is considered that there would be potential impacts to Otter from temporary noise and lighting through construction and restricting movement along river.

In addition to the CEMP condition, which requires details of measures to minimise noise, vibration and light disturbance during construction, a condition is recommended to restriction working hours to avoid night time working (condition 2).

#### Pollution/surface water run-off during construction

A key conservation objective measure identified for the River Usk is risk from development pressures in Newport leading to increased disturbance and pollution risk during either construction or operation. Habitat connectivity is an important property of river ecosystem structure and function. Many of the fish that spawn in the river are migratory, depending on the maintenance of suitable conditions on their migration routes to allow the adults to reach available spawning habitat and juvenile fish to migrate downstream. For resident species, dispersal to new areas, or the prevention of dispersal causing isolated populations to become

genetically distinct, may be important factors. In addition, reaches subject to depleted flow levels, pollution, or disturbance due to noise, vibration or light, can all inhibit the movement of sensitive species.

Potential impacts on qualifying habitats and fish species are pollution incidences causing direct mortality of fish species or degradation in qualifying habitats or isolation of fish movements through the catchment with specific note to the sensitivities of bull head to pollution events and movement.

To avoid pollution to the River Usk during the construction phase a condition is recommended which requires the submission of a CEMP.

#### In-combination effects

Consideration must be given to the cumulative effects of the proposed development when considered alongside other developments in the area. There have been schemes within close proximity that remain extant, such as:

- Land On The South West Side Of East Dock Road, Newport (planning ref 20/1225) - a planning application for residential development for no.149 units, landscaping, car parking, drainage arrangements and associated works.

This proposed development is around 700 m north-east of the proposed development. This planning application did not include a HRA assessment and so is not considered further.

- Land To South East Of University Of Wales Newport City Campus, Usk Way, Newport (planning ref 21/0893) – a planning application for construction of a new leisure centre (D2) and community health and wellbeing centre (D1), including a swimming pool hall.

A sHRA was submitted with that application. It concludes that with the inclusion and full implementation of conditions, which require mitigation measures, the proposed development would not adversely affect the integrity of the River Usk SAC, either along or in-combination with other projects.

- Jack's Pill, Newport (planning ref 21/0983) - a planning application for 122 dwellings, two commercial units, and associated works including landscaping, sustainable drainage, car and cycle parking.

A sHRA was submitted with that application. It concludes that subject to the implementation of identified mitigation measures, the proposed development would not result in an adverse effect on the integrity of the River Usk SAC either alone or in-combination with other projects.

- Visitor Centre, Transporter Bridge, Brunel Street, Newport (planning ref 21/1246) – a planning application for the parking provision to serve transporter bridge visitors.

A Habitats Regulations Assessment has been undertaken. It concludes that subject to the implementation of identified measures, the proposed development would not result in adverse effects on the integrity of the River Usk SAC either alone or in-combination with other projects.

Although the above proposals could result in a cumulative impact, these have been subject to the same HRA assessments and similar conditions/controls. In this respect, it is concluded that there are no other developments which would result in a cumulative effect and most recent projects within the docks area of the River Usk have been subject to their own Appropriate Assessment in which similar conditions were imposed to protect the integrity of the river.

#### Conclusion

It is considered that with the inclusion and full implementation of the identified conditions, there would be no adverse effects on the integrity of the River Usk SAC either alone or in-combination with other relevant projects.

7.3.6 Natural Resources Wales has been consulted on the above assessment. They consider that provided a robust Construction Environmental Management Plan (CEMP) is implemented for the works, and the other conditions suggested within the Appropriate Assessment are fully implemented, adverse impacts on the features of the River Usk SAC will be avoided. They also recommend that conditions should be imposed requiring a method statement for the piling works and restricting the timing of works. These conditions are duly imposed.

#### 7.4 **Flood Risk**

7.4.1 The application site lies within the Developed Coastal Zone and entirely within Zone C2 of the Development Advice Map (DAM). The Flood Map for Planning (FMfP), which is the best available spatial information in respect of flood risk and is a material planning consideration, shows the site to be within the undefended flood zone 3.

7.4.2 Natural Resources Wales advise that given the nature of the proposed development the proposals could be acceptable, subject to the developer being made aware of the potential flood risks.

#### 7.5 **Protected Species**

7.5.1 The Councils Ecology Officer has advised that Natural Resources Wales should be consulted and a Habitats Regulations Assessment (HRA) is undertaken. These matters are covered in the paragraphs above. The Ecology Officer has no other concerns regarding the proposals.

7.5.2 The Preliminary Ecology Appraisal (PEA) and Ecological Impact Assessment (EclA) undertaken for the visitor centre application have been submitted with this application. The assessments cover the land included in this application and considered equally relevant. Protected species dependent on the River Usk are covered in the HRA. The assessment found no evidence or potential for bats roosts relevant to the retaining wall. No further action is required in this respect.

#### 7.6 **Trees**

7.6.1 There is one tree close to the proposed retaining wall however, the works would not directly affect the tree and there are no proposals to remove it. The Tree Officer has no objection to the proposals, but notes that replacement trees would be required. As no trees are proposed to be felled, this is not considered necessary, although a condition is imposed to ensure the tree is retained.

#### 7.7 **Design and heritage impact**

7.7.1 The proposed works are relatively minor and its visual impact is limited. It would replace an existing structure and ground levels would remain almost as existing. The Councils Historic Buildings Conservation Officer has not commented on the application, but it is considered that the proposed works would not materially or harmfully affect the setting of the listed Transporter Bridge.

#### 7.8 **Landscape**

7.8.1 The proposed works would have a minimal landscape impact. While the River Usk is a Special Landscape Area, the works are to replace an existing structure and the visual impact would be limited. Wider landscaping works are proposed as part of the visitor centre development, and these would extend towards the river edge. The Councils Landscape Officer is satisfied on this basis.

#### 7.9 **General amenity**

7.9.1 The nearest residential properties would be around 110m away, on the other side of the Southern Distributor Road. It is considered that, at this distance and given the intervening dual carriageway, their residential amenities would be protected.

### 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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

## 8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

## 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 acceptable. It is considered to not cause harm to protected sites or species, the visual impact is limited with no adverse impacts on the setting of the listed Transporter Bridge and there would be no harm to residential amenity, trees, the landscape setting or flood risk. It would be in accordance with policies SP8, SP9, GP2, GP5, GP6 and CF8 of the Newport Local Development Plan.

### 9.2 It is recommended that planning permission is granted with conditions.

## 10. **RECOMMENDATION**

### **GRANTED WITH CONDITIONS**

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

3896-AWW-ZZ-XX-DR-A-6001 rev A

- Proposed Retaining Wall

CC1991-CAM-ZZ-XX-DR-C-0602 P02	- Proposed Retaining wall levels Plan
CC1991-CAM-ZZ-XX-DR-C-0603 P02	- Proposed Retaining wall levels Sections
3896-AAA-ZZ-XX-DR-A-6003	- Retaining Wall Junction
3896-AWW-ZZ-ZZ-DR-A-0126	- Proposed Site Plan
3896-AWW-ZZ-ZZ-DR-A-0116	- Site Location Plan

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

***Pre- commencement conditions***

02 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following as a minimum:

- a) Construction methods: details of materials, how waste generated will be managed.
- b) General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- c) Biodiversity Management: species and habitats protection, avoidance and mitigation measures.
- d) CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- e) Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- f) Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management.
- g) Traffic Management: details of site deliveries, plant on site, wheel wash facilities.
- h) Pollution Prevention Plan: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan. Particular emphasis needs to be taken on pollution prevention in or near watercourses.
- i) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- j) Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The approved CEMP shall be implemented during the site preparation and construction phases of the development.

Reason: To prevent pollution of the water environment and to protect the ecological interests of the area and in the interest of safeguarding the features of the River Usk SAC, in accordance with policies SP9 and GP5 of the Newport Local Development Plan and the Wales Marine Plan.

03 Prior to the commencement of development a piling method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall detail the type of piling and the timing, duration and frequency of that piling method. The development shall take place in accordance with the approved method statement.

Reason: To prevent pollution of the water environment and to protect the ecological interests of the area and in the interest of safeguarding the features of the River Usk SAC, in accordance with policies SP9 and GP5 of the Adopted LDP and the Wales Marine Plan.

***General conditions***

04 Unless otherwise agreed by condition 3, piling shall only take place during the period from 1 July to 30 September inclusive.

Reason: To avoid disturbance during the main Shad and Lamprey spawning and migration period, in the interests of protecting the integrity of the River Usk SAC, in accordance with policies SP9 and GP5 of the Adopted LDP and the Wales Marine Plan.

05 No development shall take place between one hour prior to sunset and one hour after sunrise respectively.

Reason: To ensure no disturbance is caused to otters migrating up or down the river, in the interests of safeguarding the features of the River Usk SAC, in accordance with policies SP9 and GP5 of the Newport Local Development Plan and the Wales Marine Plan.

*NOTE TO APPLICANT*

01 This decision also relates to: Preliminary Ecological Appraisal rev 2 (Ecological Services Ltd, February 2019), Ecological Impact Assessment rev 3 (Ecological Services Ltd, February 2020) and Soft Landscape Maintenance and Management Plan (Nicholas Pearson Associates, June 2021).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP8, SP9, GP2, GP5, GP6 and CF8 were relevant to the determination of this application.

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

04 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.

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3.

### **APPLICATION DETAILS**

**No:** 21/1235      **Ward:** Llanwern

**Type:** Full Application

**Expiry Date:** 28th April 2022

**Applicant:** L McCarthy

**Site:** Avalon Station Road Llanwern Newport NP18 2DW

**Proposal:** **CONSTRUCTION OF GABION BASKET WALL, SINGLE STOREY GROUND FLOOR SIDE EXTENSION, SINGLE STOREY FIRST FLOOR EXTENSION TO CREATE A TWO STOREY PROPERTY AND INTERNAL AND EXTERNAL ALTERATIONS**

**Recommendation:** **REFUSED**

#### **1. INTRODUCTION**

- 1.1 This application seeks planning permission for the erection of a single storey side extension, a first floor extension to create a two storey property and internal and external alterations, including the construction of a gabion basket wall, to the semi-detached bungalow known as Avalon, Station Road, Llanwern, Newport. An application for a similar extension to the attached property, Jasminium, is also on this agenda, reference 21/1236.
- 1.2 This application has been brought to planning committee at the request of Councillor Kellaway, to assess the overall impact on the adjacent property and the street scene.

#### **2. RELEVANT SITE HISTORY**

21/1236 DEMOLITION OF EXISTING GARAGE AND SHED, SINGLE STOREY GROUND FLOOR SIDE EXTENSION, SINGLE STOREY FIRST FLOOR EXTENSION TO CREATE A TWO STOREY PROPERTY AND INTERNAL AND EXTERNAL ALTERATIONS (Jasminium, Station Road) On this agenda

#### **3. POLICY CONTEXT**

- 3.1 [Newport Local Development Plan 2011-2026 \(Adopted January 2015\)](#)
- Policy GP2 (General Development Principles – General Amenity) states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
  - Policy GP4 (General Development Principles – Highways and Accessibility) states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.
  - Policy GP5 (General Development Principles – Natural Environment) states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.

- Policy GP6 (General Development Principles – Quality of Design) states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.
- Policy T4 (Parking) states that development will be expected to provide appropriate levels of parking.

### 3.2 [House Extensions and Domestic Outbuildings Supplementary Planning Guidance \(Adopted January 2020\)](#)

## 4. CONSULTATIONS

4.1 No external consultation was undertaken.

## 5. INTERNAL COUNCIL ADVICE

5.1.1 HEAD OF CITY SERVICES (HIGHWAYS): The site is located on Station Road which is a classified road subject to a 30mph speed limit. The existing floor plan drawing AL(00)01 does not label the use of the rooms, but given the number of rooms it is taken the existing dwelling has 1 bedroom. The development proposal would remove the ground floor bedroom and provide 2 bedrooms on the new first floor resulting in a net increase in 1 bedroom. In accordance with the Newport City Council Parking Standards SPG for a property located in parking zone 5 a 1 bedroom dwelling requires 1 parking space and a 2 bedroom requires 2 spaces.

5.1.2 Photographic evidence submitted as part of the application shows a single on-site parking bay having been constructed parallel to, and immediately adjacent to, the highway. It appears this parking area may have been constructed without planning consent. Notwithstanding this an additional bedroom requires either (should the existing parking bay be unlawful) a single parking space, or (should the bay be lawful) an additional parking space.

5.1.3 Drawing AL(90)02, Existing and Proposed Site Plans, shows 2 proposed parking bays set parallel to the highway. These bays have very limited visibility from and of approaching vehicles. In accordance with the DfT publication Manual for Streets visibility splays of 2.4 x 43 metres in both directions are required from each bay. The splays cannot be provided as the applicant is not in control of the land that would be required. In the absence of the required splays vehicles emerging from either bay would have to enter the running carriageway before adequate visibility became available resulting in an increase in hazard and danger for all users of the road. This would be the case whichever direction cars were parked but would be exacerbated where the driver would be seated on the inside of the bay, ie. with parked vehicles facing south. I would therefore offer an objection to this application and recommend refusal on highway grounds.

5.2.1 HEAD OF CITY SERVICES (TREE OFFICER): Full tree/hedge information from an appropriately qualified Tree Consultant should be submitted in accordance with BS5837:2012 to support this application. This includes information on trees/hedges that border the application site. All tree/hedge information should be shown as an overlay on the layout plan. Details of SUDs measures/location are required in relation to the trees/hedgerows. The trees should inform the design layout and not vice versa, all potential conflicts between the proposed buildings and the trees should be designed out. The health, safety and longevity of the trees/hedges should not be compromised by a development. In the absence of any tree/hedge information there are objections to this application.

5.2.2 The following LDP policies are relevant:

- GP5 Natural Environment
- CE3 Environmental Spaces and Corridors
- GP2 General Development Principles
  - “*there will not be an adverse effect on local amenity*” - the trees/hedges form part of the amenity of the area.

5.3.1 HEAD OF CITY SERVICES (LANDSCAPE OFFICER): The information submitted does not meet national or local landscape policy. The site is not within a Special Landscape Area or Conservation Area. There are however some landscape issues arising from the tight site, adjoining tree cover with some likely to be affected lying outside the land ownership boundary, and the very steep slopes to the rear which require resolution. The impact on garden vegetation and trees on adjoining land is not clear. The proposal for a gabion wall to 3.5m height within a very tight site requires a footing detail to demonstrate this is a feasible solution given space available between the dwelling and the site boundary, including tree retention outside the site. Hard landscape details surfacing, retaining wall finishes, road frontage treatment is required. Stone is a relatively common finish to walling locally. There is very little scope for new planting, but retention of existing garden planting should be surveyed and confirmed for retention, or replacement with more appropriate species provided. Noted that a similar proposal has been submitted for the adjacent property.

5.3.2 The following information is required:

1. Professional tree and hedge survey to BS5837 including any trees likely to be impacted outside the site.
2. Gabion wall detail including footing shown in relation to the dwelling, site boundary, tree survey.
3. Hard landscape plan.
4. Survey of existing garden planting with plan to show retention or a detailed planting plan to show replacement with more appropriate species. It is recommended this is undertaken by a professional landscape architect.

5.4.1 HEAD OF CITY SERVICES (ECOLOGY OFFICER): I have considered the Building Inspection in Respect of Bats submitted in support of applications 21/1235 and 21/1236. The bat roost potential of these buildings has been assessed as negligible to low on the basis that no potential access points were identified on either building (Sections 5.1 and 6). However, looking at the images and provided and those of Google StreetView, there appear to be areas of the tiled roof which are uneven and poorly maintained, with potential gaps visible among the tiles and masonry. The absence of evidence of bat use in the roof voids does not necessarily mean that bats are absent, as some of the commonest bat species such as Pipistrelles tend to roost in crevices in the structure of the roof itself. Therefore I think the potential that bat access points were missed during the initial inspection is high.

5.4.2 Nevertheless, the methodology and conclusions of the rest of the bat survey report are sound, and precautionary mitigation measures / enhancements have been proposed. This being the case, on this occasion I advise that we accept that no further surveys are required, subject to using planning conditions on both applications to secure the precautionary measures set out in section 8.2, and Appendix C, of the Building Inspection in Respect of Bats.

## 6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties that share a common boundary with the application site, and opposite, were consulted (6No properties). 5No responses were received, either offering no objection to the proposal, or offering support for the following summarised reasons:

- The original properties were two storeys in scale and more attractive than the current properties;
- The proposal would improve the existing property and would enhance the view, appearance and character of the area;
- The proposal is sympathetic to the original design when first built and the would offer a more attractive and balanced dwelling;
- The open court parking arrangement seems to be working well, but the two formal parking bays would improve highway safety and access arrangements, as well as help prevent any incorrect roadside parking;
- There will be no extra traffic issues; and
- The existing Station Road is likely to become much quieter when the new Station Road Link is completed, especially as there will be no through access to the SDR and it will only serve as a secondary access to residents of the village. The parking bay should therefore not present any problems to the low number of vehicles and pedestrians using the Station Road.

- 6.2 COUNCILLORS: Councillor Kellaway requests for the application to be considered at planning committee as he is interested in the overall impact on adjacent properties and street scene.
- 6.3 LLANWERN COMMUNITY COUNCIL: Llanwern Community Council wish to support this application.

## 7. ASSESSMENT

### *The Site*

- 7.1 The existing property is a modest, semi-detached bungalow of rectangular footprint located on the western side of Station Road. It lies within the Llanwern Village boundary, in close proximity to the highway and is set within a plot of limited depth. The application property is attached to the northern side of the property known as Jasminium, which has been previously extended and subject to previous refusals and a dismissed appeal (detailed further in the officer report for 21/1236). Jasminium has a similarly simple form, although it has been previously altered and extended. In the appeal decision for Jasminium (application 20/0995), the Inspector comments "*Although both extended, [Avalon and Jasminium] appear as a pair of roadside cottages that retain some symmetry in general form and scale*".
- 7.2 Officers note that there is an element of rural character to the area and that a number of dwellings in the area surrounding the property are of mixed architectural styles. The application property has a simple form, with an existing extension of shallower roof pitch (and consequently a lower ridge height) attached to its northern end, as well as a modest front porch. Despite its simple form, it appears as a characterful, rural, roadside cottage. Externally, it has white rendered walls with a slate roof above. The increasing topography levels towards the west results in the site including rising land to its side/rear, which sits close to the footprint of the existing building. As a result, and due to the limited depth of the plot, the property's external amenity space is located to the side of the dwelling.

### *Site History*

- 7.3 The applicant submits that this pair of properties were previously two storeys in scale and provides a newspaper photograph which appears to show this. Comments received from local residents in response to this application anecdotally corroborate this. The properties have clearly been significantly altered since that time. There is no evidence of these alterations receiving planning permission within the department's historic records, which date back to 1973. Irrespective of their previous/original form, the assessment must consider whether the design and visual impact of the proposal is acceptable against the property as it currently stands, as well as its visual impact on the street scene.
- 7.4 Officers also note that the front boundary wall to the property has recently been removed to create a vehicular access and provide off-street car parking.

### *Proposed Development*

- 7.5 The proposal would see the construction of a first floor above the entirety of the existing property, increasing its eaves from a height of 2.7m to 5.1m (an increase of 2.4m) and its ridge from 4.85m to 7m (an increase of 2.15m). In addition, a single storey side extension would be erected to the northern side elevation, set back 0.5m from the front elevation, measuring 3.3m in width, 4.05m in depth and reaching a height of 2.69m to its eaves and 4.39m to its ridge. Both the first floor extension and the single storey side extension would utilise a pitched roof with a gable end.
- 7.6 The application also proposes engineering works through the excavation a portion of the raised bank, to be supported by a 1m-3.5m high gabion basket wall, to accommodate the proposed single storey side extension. Elsewhere, the plans propose the creation of two parallel parking bays across the site frontage and the construction of an associated 1m high retaining wall.

### *Design, Appearance and Visual Impact*

- 7.7 The SPG states that: an extension should relate sympathetically to the existing building and surrounding area; fenestration should replicate the proportions and details of doors, windows

and skylights in the existing building; and that an extension should replicate the fenestration-to-elevation ratio of the existing building. In relation to side extensions, it highlights 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 (or a first-floor side extension above an existing ground floor section) 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”*.

- 7.8 The works proposed as part of this application would significantly extend and subsume the existing property, to the detriment of its current form and character as a modest, roadside cottage. The scale and design of the proposal results in a structure of considerably increased bulk and massing, to the detriment of the character and appearance of the existing property. The works would also further elongate the linear form of the property which, when combined with its shallow depth and the increased height proposed, would result in a development which has an awkwardly tall appearance, contrasting with that of the existing property and the majority of those in the surrounding area. Furthermore, officers consider that the upward extension and widening of the property, combined with its elevated nature, would result in a structure of considerable height in close proximity to the highway. As a result, and given its setting opposite the gable end of Rose Cottage, officers consider that the development would result in a prominent and imposing structure, to the detriment of the character and visual amenities of the street scene as a whole.
- 7.9 In addition to the foregoing, the proposed fenestration would fail to sympathetically relate to the proportions or siting of the existing fenestration, which is to be replaced, and adds to the vertical emphasis of the property, in contrast to its existing horizontal emphasis. The proportions of the proposed upper floor openings would also conflict with the proposed ground floor openings. The elevation as a whole, including the fenestration, lacks any architectural interest or detailing which would otherwise help to break up its mass and contribute towards a principal elevation of appropriate design, appearance and detailing.
- 7.10 Overall, officers consider that the proposal, by reason its scale, massing, detailing and proximity to the highway, would be detrimental to the form, character and appearance of the host property and to the character and visual amenities of the Station Road street scene, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).
- 7.11 The proposal to increase the height to the property may, in principle, be achievable in an acceptable manner. However, an acceptable scheme would need to be of high quality design, particularly given the local character and the site’s prominence. Officers do not consider that the scheme under consideration is of sufficiently high quality design and that a re-design, with reduced massing and increased character and detailing, is necessary.

*Implementation*

- 7.12 Officers note that there is an application on this agenda which seeks permission for similar extensions to the attached property, Jasminium. The existing and proposed front elevation drawings for both applications are shown side by side below, for reference.



Figure 1 (left): Jasminium existing front elevation



Figure 2 (right): Avalon existing front elevation



Figure 3 (left): Jasminium proposed front elevation

Figure 4 (right): Avalon proposed front elevation

- 7.13 Despite the concurrent submission by the same applicant, the LPA has limited means of ensuring that both developments take place, with no such means presented as part of these submissions. As such, no weight can be given to the appearance or impact of the developments in combination. Even if such a mechanism were available, the combined impact of both developments would markedly increase the scale, massing and visual impact of the proposal compared to existing properties and within the street scene, reinforcing and exacerbating officers' existing concerns.
- 7.14 Officers must therefore consider the scheme for the extension of Avalon in isolation. In addition to the concerns previously detailed, the extension of Avalon in the manner proposed without the extension of the attached property would result in a highly obtrusive alteration, at odds with the attached neighbour, to the detriment of the character, appearance and symmetry of the pair of semi-detached dwellings as well as the visual amenities of the street scene, in further conflict with Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015). Furthermore, no information has been provided as to how these two developments would integrate.

#### *Impact on Local Residential Amenity*

- 7.15 Having regard for the nature of the proposal, the overall 2.15m increase in height, its siting relative to the attached neighbour and the distance from the properties opposite, it is not considered that the proposal would lead to a material loss of light or overbearing impact to neighbouring occupiers. Similarly, although it would result in the creation of additional openings at a higher level, it is not considered that it would result in a material increase in overlooking of neighbouring properties, being as it faces towards the blank gable end of Rose Cottage. There is an opening in the front elevation of Rose Cottage which would directly face the proposed openings, although this is visible from a public vantage point and is some 18.5m from the proposed openings. Overall, officers consider that the proposal's impact on local residential amenity would be acceptable.

#### *Highways*

- 7.16 The scheme proposes the provision of 2No off-street car parking spaces, laid parallel with the highway, as well as the creation of a vehicular access onto a classified road. Until the recent removal of the boundary wall, the property did not benefit from any off-street car parking provision. Policy GP4 of the Newport Local Development Plan 2011-2026 (January 2015) requires development to, *inter alia*, provide safe and suitable access arrangements, and to avoid any adverse impact on highway or pedestrian safety.
- 7.17 The layout proposed has been reviewed by the Council's Highways Officer who objects to the proposal (as detailed in section 5.1.1-5.1.3 of this report). Given the proposed layout of the spaces parallel to the highway, they would have limited visibility from and of approaching vehicles. Manual for Streets requires these spaces to have visibility splays of 2.4m x 43m in both directions, which can't be provided or achieved. The proposed arrangement would require a vehicle emerging from either bay to enter the running carriageway before adequate visibility became available resulting in an increase in hazard and danger for all users of the road. This would be the case whichever direction cars were parked but would be exacerbated where the driver would be seated on the inside of the bay, ie. with parked vehicles facing south.
- 7.18 The agent has responded to these concerns, stating that the proposed arrangement would result in an improvement to highway safety by providing off-street car parking provision, which would otherwise be accommodated on the highway. They also state that the requirement to provide 2.4m x 43m of visibility is unreasonable, given that most properties

within the village do not, and could not, achieve this, and that the extent of the site means that the provision of on-site turning facilities is not possible. They also comment that the traffic levels along Station Road is likely to reduce following completion of the bypass road within the adjacent Redrow Development Site, which would render Station Road as a secondary route. Finally, they refer to an appeal decision which notes that parking standards should be applied flexibly and be informed by the local context (including public transport accessibility and with the aim of reducing reliance on the private car). The Council's Highways consultee has considered this response, but maintains their concerns and objection.

- 7.19 Officers consider that the visual impact of the proposed parking area could be acceptable, subject to the approval of details surrounding the finish of the adjacent retaining wall and the proposed surfacing materials. However, the lack of visibility from the proposed parking spaces remains a significant concern. As detailed, there are no visibility splays shown on the submitted drawings to demonstrate what visibility can be achieved against the standards prescribed by Manual for Streets.
- 7.20 Given the layout of the proposed spaces, in tandem with one another and parallel with the carriageway, users of these spaces would have their visibility of traffic impeded in several ways. Should the cars be parked facing north, the driver would be located closer to the carriageway and would have some visibility of cars travelling south along Station Road. However, visibility of cars travelling northbound (on the nearest side of the carriageway) could only be obtained either by looking in their mirror and/or over their shoulder, or by entering into the running carriageway. Visibility in this direction may also be impeded by the neighbouring wall and fence serving Jasminium, and by a car parked in the other proposed space. Should cars be parked facing south, the driver would be on the other side of the vehicle, furthest from the carriageway, which would again require the vehicle to enter the running carriageway to achieve visibility of oncoming traffic. Visibility towards the south would be further reduced by the wall and fence at Jasminium and by a vehicle parked in the other space, with the boundary hedge to Avalon also impeding visibility to the north. It is considered that the proposed parking arrangement would create a significant hazard and threat to highway safety through lack of visibility.
- 7.21 Officers acknowledge that there would be some merit in creating off-street parking spaces given that it could remove on-street parking. However, officers opine that on-street parking is generally discouraged by the nature of Station Road in this location. Although the removal of potential on-street parking could assist in the free flow of traffic, any on-street parking does not engage the visibility issues that are presented by the proposed spaces. Vehicles travelling along Station Road in both directions would have good forward visibility, so can manoeuvre around parked vehicles safely, as opposed having to contend with vehicles egressing the parking spaces without sufficient visibility of oncoming traffic.
- 7.22 Officers disagree that the requirement for sufficient visibility of oncoming traffic is unreasonable on the basis that other nearby properties may not achieve this. Even if this were the correct, it would not be appropriate to permit the creation of substandard parking provision which would exacerbate any existing highway safety issues from historical access points. The claim that traffic levels along Station Road will reduce is as yet unproven and therefore carries little weight. Finally, officers accept that parking requirements should be applied flexibly, based on the local context. The Council's Adopted Parking Standards allows for a reduction in parking demand, if justified by a sustainability assessment undertaken in accordance with Appendix 5 of the standards. No assessment has been submitted in support of this application. Nevertheless, officers do not consider that it would qualify for a reduction in parking provision from a sustainability assessment given the limited access to local services, facilities and amenities, as well as the lack of any public transport alternatives locally. It is noted that the proposal only requires the provision of one parking space, although the submission has sought two and so shall be assessed as submitted.
- 7.23 Overall, officers consider that the proposal, by reason of its lack of submitted visibility splays, the layout and arrangement of the proposed spaces and the impediments to visibility from these spaces, would fail to provide safe and suitable access arrangements and would be detrimental to highway safety, contrary to Policy GP4 of the Newport Local Development Plan 2011-2026 (January 2015). Given the inadequacy of the proposed spaces, the proposal

would also fail to provide the required number of off-street car parking spaces, contrary to Policy T4 of the Newport Local Development Plan 2011-2026 (January 2015).

#### *Trees and Landscaping*

- 7.24 Policy GP5 of the Newport Local Development Plan 2011-2026 (January 2015) requires developments to, inter alia: protect and encourage biodiversity; demonstrate how they avoid, or mitigate and compensate negative impacts to biodiversity; have no unacceptable impact on landscape quality; include an appropriate landscape scheme, which enhances the site and the wider context; and include appropriate tree planting or retention and not result in the unacceptable loss of or harm to trees, woodland or hedgerows that have wildlife or amenity value.
- 7.25 The development results in the apparent loss of hedgerow and trees as a result of the engineering works proposed to facilitate the extension and the gabion basket wall, as well as the loss of hedgerow to facilitate the proposed car parking spaces. It may also result in an impact on trees and vegetation outside of the site boundary. No supporting tree/hedgerow survey (BS5837) has been submitted in support of the application to detail the extent of the potential loss or adverse impact to these features, nor to detail any protection measures. Similarly, no landscaping survey or information has been provided, required to assess the impact of the proposal on the landscape qualities of the site, to secure compensatory planting (if necessary) and to enhance the environmental and biodiversity qualities of the site. The loss of or potential damage to these features, without any mitigation or compensation, would be detrimental to the environmental and biodiversity qualities of the site and to the visual amenities of the site and surrounding area, contrary to Policies GP2 and GP5 of the Newport Local Development Plan 2011-2026 (January 2015).
- 7.26 Furthermore, the gabion basket wall would be sited close to the boundary of the site with elevated third party land. No structural details have been provided to assess or demonstrate that the gabion basket wall would offer the required stability to the adjacent third party land. In the absence of this information, the development is considered contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015). Had this application been recommended for approval, these details could have been secured by planning condition. There is also a lack of hard landscaping details, including surfacing, retaining wall finishes and road frontage treatment, although these details could also be secured by planning condition.

#### *Bats*

- 7.27 The development is also required to demonstrate that it would not lead to an adverse impact on any protected species, in accordance with Policy GP5 of the Newport Local Development Plan 2011-2026 (January 2015). A supporting bat survey has been provided, which assesses the bat roost potential of the building as negligible to low on the basis that no potential access points were identified on the building, although the Council's Ecologist considers that this may not be correct and that there is a high potential that bat access points were missed during the initial inspection. Nevertheless, the Council's Ecologist finds that the methodology, conclusions and the precautionary mitigation measures and enhancements proposed are sound and that, subject to a condition to secure these precautionary measures, there would be no adverse impact on a protected species.

## **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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

- 8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

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 Officers consider that the proposal, by reason of its scale, height, massing, design, detailing and proximity to the highway, would be detrimental to the form, character and appearance of the host property, the character, symmetry and visual amenities of the pair of semi-detached dwellings and the character and visual amenities of the wider Station Road street scene, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).
- 9.2 Officers also consider that the proposal, by reason of its lack of visibility information, the layout of the proposed spaces and the impediments to visibility, would fail to provide safe and suitable access arrangements, fail to provide sufficient off-street parking and would be detrimental to highway safety, contrary to Policies GP4 and T4 of the Newport Local Development Plan 2011-2026 (January 2015).
- 9.3 No supporting tree, hedgerow or landscaping information has been provided as part of this submission to demonstrate that the proposal would either safeguard these important environmental features, or provide suitable compensation and enhancement, contrary to Policies GP2 and GP5 of the Newport Local Development Plan 2011-2026 (January 2015). Finally, the proposal would have an acceptable impact on protected species.
- 9.4 The submission also lacks structural calculations for the proposed gabion basket wall, to demonstrate that it offers the required support to elevated third party land, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).
- 9.5 As a result of the foregoing, officers recommend that planning permission is refused.

## 10. RECOMMENDATION

### REFUSED

01 By reason of its scale, height, massing, design, detailing and proximity to the highway, the proposed development would represent a bulky, obtrusive and unsympathetic alteration to the property, to the detriment of the form, character and appearance of the host property, the character, symmetry and visual amenities of the pair of semi-detached dwellings and the character and visual amenities of the wider Station Road street scene, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).

02 By reason of its lack of visibility information, the layout of the parking spaces and the impediments to visibility, the proposed development would fail to provide safe and suitable access arrangements, fail to provide sufficient off-street parking and would be detrimental to highway safety, contrary to Policies GP4 and T4 of the Newport Local Development Plan 2011-2026 (January 2015).

03 The proposal, by reason of a lack of survey or supporting information, fails to demonstrate that the proposal would not have an adverse impact upon interests of acknowledged importance, namely trees, hedgerows or landscaping. Any loss or damage, without suitable compensation, would be detrimental to the environmental qualities of the site and the amenities of the area, contrary to Policies GP2 and GP5 of the Newport Local Development Plan 2011-2026 (January 2015).

04 The proposal, by reason of a lack structural details or calculations, fails to demonstrate that the proposed gabion basket wall would provide the necessary support to elevated third party land in the interests of high quality design and local amenity, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: AL(90)10; AL(90)02; AL(00)01; AL(00)10; AL(00)15; AL(00)30; Site Photographs; Celtic Ecology Building Inspection in Respect of Bats (dated March 2022); and Email from Arran Dallimore, dated 31 March 2022.

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

03 The Council's Supplementary Planning Guidance - House Extensions and Domestic Outbuildings (January 2020) was adopted following consultation and is relevant to the determination of this application.

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

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## 1. LATE REPRESENTATIONS

- 1.1 Since publication of the initial report, officers have become aware of an administrative error which incorrectly named 'L McCarthy' as the applicant for application 21/1235, when it should have named 'O Davies' as the applicant. For the avoidance of doubt, the applicant for application 21/1235 should be noted as O Davies, as above.
- 1.2 As a further consequence, reference to a concurrent submission for the property known as Jasinium by the same applicant should be omitted. Paragraph 7.13 of the officer's committee report should be amended as follows:

7.13 *Despite the concurrent submission ~~by the same applicant~~, the LPA has limited means of ensuring that both developments take place, with no such means presented as part of these submissions. As such, no weight can be given to the appearance or impact of the developments in combination. Even if such a mechanism were available, the combined impact of both developments would markedly increase the scale, massing and visual impact of the proposal compared to existing properties and within the street scene, reinforcing and exacerbating officers' existing concerns.*

## **2. OFFICER RESPONSE TO LATE REPRESENTATIONS**

2.1 Officers do not consider that any prejudice has been caused by the incorrectly referenced applicant. O Davies has also requested to address the committee at this meeting.

2.2 However, officers do consider that the submission of these applications (21/1235 and 21/1236) by separate applicants reaffirms and exacerbates their concerns surrounding the ability to control the implementation of both developments, as detailed in paragraphs 7.12 - 7.14 of the main report.

## **3. OFFICER RECOMMENDATION**

3.1 As per the original report.

4.

## **APPLICATION DETAILS**

**No:** 21/1236      **Ward:** Llanwern

**Type:** Full Application

**Expiry Date:** 28th April 2022

**Applicant:** L McCarthy

**Site:** *Jasminium Station Road Llanwern Newport NP18 2DW*

**Proposal:** **DEMOLITION OF EXISTING GARAGE AND SHED, SINGLE STOREY GROUND FLOOR SIDE EXTENSION, SINGLE STOREY FIRST FLOOR EXTENSION TO CREATE A TWO STOREY PROPERTY AND INTERNAL AND EXTERNAL ALTERATIONS**

**Recommendation:** **REFUSED**

### **1. INTRODUCTION**

- 1.1 This application seeks planning permission for demolition of an existing garage and shed and the construction of a single storey side extension, a first floor extension to create a two storey property, as well as internal and external alterations to the semi-detached bungalow known as Jasminium, Station Road, Llanwern, Newport. An application for a similar extension to the attached property, Avalon, is also on this agenda, reference 21/1235.
- 1.2 This application has been brought to planning committee at the request of Councillor Kellaway, to assess the overall impact on the adjacent property and the street scene.

### **2. RELEVANT SITE HISTORY**

96/0356	FIRST FLOOR EXTENSION	Refused
19/0963	ERECTION OF TWO STOREY SIDE EXTENSION	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
20/0995	ERECTION OF TWO STOREY SIDE EXTENSION AND WIDENING OF EXISTING ACCESS (RESUBMISSION OF 20/0643)	Refused, appeal dismissed

### **3. POLICY CONTEXT**

- 3.1 [Newport Local Development Plan 2011-2026 \(Adopted January 2015\)](#)
- Policy GP2 (General Development Principles – General Amenity) states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
  - Policy GP4 (General Development Principles – Highways and Accessibility) states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.

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

### 3.2 [House Extensions and Domestic Outbuildings Supplementary Planning Guidance \(Adopted January 2020\)](#)

## 4. CONSULTATIONS

4.1 No external consultation was undertaken.

## 5. INTERNAL COUNCIL ADVICE

5.1.1 HEAD OF CITY SERVICES (HIGHWAYS): The site is located on Station Road, a predominantly residential road subject to a 30mph speed limit. The development proposal would result in an increase in the number of bedrooms from 2 to 5. For a 2 bedroom dwelling at this location the Newport City Council Parking Standards SPG (2015) requires 2 parking spaces, and for a 3+ bedroom 3 spaces. There is an existing parking space fronting the property and a driveway to the side which appears capable of accommodating 2 cars. The development proposal would result in an improvement to the side driveway by the provision of a vehicle turning area.

5.1.2 The side driveway access has very limited visibility from and of emerging vehicles. The proposal would be likely to result in an increase in its use given the requirement for 3 parking spaces. Visibility splays of 2.4 x 43 metres in both directions would be required but to the south this would be unachievable as third party land would be required. I am aware of the decision in application 20/0995 and the subsequent appeal, but would nevertheless offer an objection to this application on the grounds of inadequate access visibility.

5.2.1 HEAD OF CITY SERVICES (TREE OFFICER): Full tree/hedge information from an appropriately qualified Tree Consultant should be submitted in accordance with BS5837:2012 to support this application. This includes information on trees/hedges that border the application site. All tree/hedge information should be shown as an overlay on the layout plan. Details of SUDs measures/location are required in relation to the trees/hedgerows. The trees should inform the design layout and not vice versa, all potential conflicts between the proposed buildings and the trees should be designed out. The health, safety and longevity of the trees/hedges should not be compromised by a development. In the absence of any tree/hedge information there are objections to this application.

5.2.2 The following LDP policies are relevant:

- GP5 Natural Environment
- CE3 Environmental Spaces and Corridors
- GP2 General Development Principles
  - *“there will not be an adverse effect on local amenity”* - the trees/hedges form part of the amenity of the area.

5.3.1 HEAD OF CITY SERVICES (LANDSCAPE OFFICER): The information submitted does not meet national or local landscape policy. The site is not within a Special Landscape Area or Conservation Area. There are however some landscape issues arising from the tight site, adjoining tree cover with some likely to be affected lying outside the land ownership boundary, and the very steep slopes to the rear which require resolution. The impact on

garden vegetation and trees on adjoining land is not clear. Hard landscape details are required for surfacing, boundary treatment to road frontage, and confirmation of how levels for the car turning area will adjoin +7.56m at the road and the site boundary at around +10m. There is very little scope for new planting, but retention of existing garden planting should be surveyed and confirmed for retention, or replacement with more appropriate species provided. Noted that a similar proposal has been submitted for the adjacent property.

5.3.2 The following information is required:

1. Professional tree and hedge survey to BS5837 including any trees likely to be impacted outside the site.
2. Hard landscape plan with proposed levels for the car turning area.
3. Survey of existing garden planting with plan to show retention or a detailed planting plan to show replacement with more appropriate species. It is recommended this is undertaken by a professional landscape architect.

5.4.1 HEAD OF CITY SERVICES (ECOLOGY OFFICER): I have considered the Building Inspection in Respect of Bats submitted in support of applications 21/1235 and 21/1236. The bat roost potential of these buildings has been assessed as negligible to low on the basis that no potential access points were identified on either building (Sections 5.1 and 6). However, looking at the images and provided and those of Google StreetView, there appear to be areas of the tiled roof which are uneven and poorly maintained, with potential gaps visible among the tiles and masonry. The absence of evidence of bat use in the roof voids does not necessarily mean that bats are absent, as some of the commonest bat species such as Pipistrelles tend to roost in crevices in the structure of the roof itself. Therefore I think the potential that bat access points were missed during the initial inspection is high.

5.4.2 Nevertheless, the methodology and conclusions of the rest of the bat survey report are sound, and precautionary mitigation measures / enhancements have been proposed. This being the case, on this occasion I advise that we accept that no further surveys are required, subject to using planning conditions on both applications to secure the precautionary measures set out in section 8.2, and Appendix C, of the Building Inspection in Respect of Bats.

## **6. REPRESENTATIONS**

6.1 NEIGHBOURS: All properties that share a common boundary with the application site, and opposite, were consulted (4No properties). 4No responses were received, offering support for the following summarised reasons:

- The original properties were two storeys in scale and more attractive than the current properties;
- The proposal would improve the existing property and would enhance the view, appearance and character of the area;
- The proposal is sympathetic to the original design when first built and the would offer a more attractive and balanced dwelling;
- The proposed plan seems to enhance the current parking arrangements and, as it is currently working well, it would not cause highway safety issues, or would offer an improvement. The existing parking arrangements to both the front and side of the dwelling have always worked very well;
- There will be no extra traffic issues; and
- The existing Station Road is likely to become much quieter when the new Station Road Link is completed, especially as there will be no through access to the SDR and it will only serve as a secondary access to residents of the village. The parking bay should therefore not present any problems to the low number of vehicles and pedestrians using Station Road.

6.2 COUNCILLORS: Councillor Kellaway requests for the application to be considered at planning committee as he is interested in the overall impact on adjacent properties and street scene.

6.3 LLANWERN COMMUNITY COUNCIL: Llanwern Community Council wish to support this application.

## 7. ASSESSMENT

### *The Site*

- 7.1 The existing property is a modestly sized, semi-detached bungalow of rectangular footprint located on the western side of Station Road. It lies within the Llanwern Village boundary, in close proximity to the highway, and is set within a wide, rectangular plot of limited depth. The property itself lies towards the northern end of the plot, elevated above the level of Station and is attached to the southern side of the property known as Avalon. The remainder of the plot comprises landscaped amenity space, with a detached, pitch roofed (converted) garage at its southern end, along with a vehicular access and off-street parking area. The property also benefits from a parking bay along the Station Road frontage, adjacent to the property itself. The local topography levels increase towards the west, meaning that there is raised vegetated bank along the western site boundary, near to the footprint of the existing building.
- 7.2 Officers note that there is an element of rural character to the area and that a number of dwellings in the area surrounding the property are of mixed architectural styles. The property has been previously extended to the side, with the eaves and ridge height of the extension matching those the original property. A front porch has also been added which projects forward of its principal elevation towards Station Road. Although previously extended, the application property retains a simple form and it appears as a characterful, rural, roadside cottage. Externally, it has rendered walls, a tiled roof, timber windows and UPVC doors. The attached neighbour, Avalon, is of a similarly modest scale and simple form and has also been previously extended. In a previous appeal decision on this property (application 20/0995), the Inspector commented *“Although both extended, [Avalon and Jasminium] appear as a pair of roadside cottages that retain some symmetry in general form and scale”*.

### *Site History*

- 7.3 The applicant submits that this pair of properties were previously two storeys in scale and provides a newspaper photograph which appears to show this. Comments received from local residents in response to this application anecdotally corroborate this. The properties have clearly been significantly altered since that time. There is no evidence of these alterations receiving planning permission within the department’s historic records, which date back to 1973. Irrespective of their previous/original form, this assessment must consider whether the design and visual impact of the proposal is acceptable against the property as it currently stands, as well as its visual impact on the street scene.
- 7.4 There have been several previous applications for this property, as listed in section 2 of this report. Application 96/0356 sought a first floor extension to the property, but was refused for the following reason: *“The proposed extension on one half of the semi detached property by reason of its height and design would be out of keeping with the scale and character of the pair of semis, resulting in an unbalanced appearance to the detriment of the visual amenities of the property and the street scene as a whole”*.
- 7.5 A number of more recent applications has sought permission for a two storey side extension to the property, utilising the lower ground level of the adjacent garden to accommodate two storeys internally. However, all were refused due to the proposals being considered bulky and unsympathetic additions 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 of the Newport Local Development Plan 2011-2026 (Adopted January 2015). The most recently refused application, 20/0995, was also dismissed at appeal. In that case, the extension included only a token set-back from the front elevation and set-down from the eaves and ridge of the existing property. In their decision, the Inspector commented that *“The limited depth of the plot means that the proposed two storey extension would be prominent in views from the road. Its scale and limited set back means that it would not appear subservient to the existing modest bungalow”*, concluding that *“The scale and design of the proposal means that it would be a bulky and unsympathetic addition to this modest property”*.

### *Proposed Development*

- 7.6 The proposal would see the demolition of part of the existing property (including the front projection), the erection of a first floor extension above the remainder of the property and the erection of a single storey side extension. The resulting two storey section of the property

would measure 11.45m in width, 4.6m in depth and reach a height of 5.1m to the eaves (an increase of 2.4m compared to the 2.7m of the existing) and 7m to the ridge of its pitched roof (an increase of 2.15m compared to the 4.85m of existing).

- 7.7 The single storey side extension would measure 5.3m in width and 4.25m in depth, set back 0.3m from the front of the two storey section. It would reach a height of 2.65m to the eaves and 4.45m to the ridge. Externally, the proposal include 3No windows in the ground floor of the two storey section, with 4No windows on the upper floor. The two storey section would also include a southern gable end window at first floor level. The single storey side extension would include a window in its front elevation and a set of bi-folding doors in its southern elevation.
- 7.8 The proposal also includes the demolition of existing detached garage and shed, and provision of 2No off-street car parking spaces with an on-site turning area. This parking provision is in addition to the existing roadside bay. The widening of the existing access is also shown on the proposed plans.

*Design, Appearance and Visual Impact*

- 7.9 The SPG states that: an extension should relate sympathetically to the existing building and surrounding area; fenestration should replicate the proportions and details of doors, windows and skylights in the existing building; and that an extension should replicate the fenestration-to-elevation ratio of the existing building. In relation to side extensions, it highlights 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 (or a first-floor side extension above an existing ground floor section) 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”*.
- 7.10 The works proposed as part of this application would significantly extend and subsume the existing property, to the detriment of its current form and character as a modest, roadside cottage. The scale and design of the proposal results in an obtrusive structure of considerably increased bulk and massing, to the detriment of the character and appearance of the existing property. The works would also further elongate the linear form of the property which, when combined with its shallow depth and the increased height proposed, would result in a development which has an awkwardly tall appearance, contrasting with that of the existing property and the majority of those in the surrounding area.
- 7.11 Officers consider that the upward extension of the property would result in a structure of considerable height in close proximity to the highway, exacerbated by its ground level being raised above the level of the highway, which is not illustrated on the proposed elevations drawing. However, this is illustrated on the Station Road section drawing (below at Figure 1) which shows the height of the proposal relative to the adjacent highway. The increased height and width of the property, in close proximity to the highway, would result in the creation of a prominent and imposing structure, exacerbated by the gable end of Rose Cottage opposite, to the detriment of the character and visual amenities of the street scene as a whole. It is also noted that the eaves and ridge height of the single storey side extension would be almost identical to that of the previously refused two storey side extension, which was also dismissed at appeal by the Inspector for its scale and design, although it would arguably appear subservient to the remainder of the extended property.



Figure 1: Proposed Station Road section

- 7.12 In addition to the foregoing, the proposed fenestration would fail to sympathetically relate to the proportions or siting of the existing fenestration, which is to be replaced, and adds to the vertical emphasis of the property, in contrast to its existing horizontal emphasis. The proportions of the proposed upper floor openings would also conflict with the proposed ground floor openings, with the first floor bathroom window also appearing out of keeping. The elevation as a whole, including the fenestration, lacks any architectural interest or detailing which would otherwise help to break up its mass and contribute towards a principal elevation of appropriate design, appearance and detailing.
- 7.13 Overall, officers consider that the proposal, would represent a bulky, obtrusive and unsympathetic alteration to the property, to the detriment of its form, character and appearance, as well as the character and visual amenities of the wider Station Road street scene, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).
- 7.14 The proposal to increase the height to the property may, in principle, be achievable in an acceptable manner. However, an acceptable scheme would need to be of high quality design, particularly given the local character and the site's prominence. Officers do not consider that the scheme under consideration is of sufficiently high quality design and that a re-design, with reduced massing and increased character and detailing, is necessary.

*Implementation*

- 7.15 Officers note that there is an application on this agenda which seeks permission for similar extensions to the attached property, Avalon. The existing and proposed front elevation drawings for both applications are shown side by side below, for reference.



Figure 2 (left): Jasminium existing front elevation



Figure 3 (right): Avalon existing front elevation



Figure 4 (left): Jasminium proposed front elevation



Figure 5 (right): Avalon proposed front elevation

- 7.16 Despite the concurrent submission by the same applicant, the LPA has limited means of ensuring that both developments take place, with no such means presented as part of these submissions. As such, no weight can be given to the appearance or impact of the developments in combination. Even if such a mechanism were available, the combined impact of both developments would markedly increase the scale, massing and visual impact of the proposal compared to existing properties and within the street scene, reinforcing and exacerbating officers' existing concerns.

7.17 Officers must therefore consider the scheme for the extension of Jasminium in isolation. In addition to the concerns previously detailed, the extension of Jasminium in the manner proposed without the extension of the attached property would result in a highly obtrusive alteration, at odds with the attached neighbour, to the detriment of the character, appearance and symmetry of the pair of semi-detached dwellings as well as the visual amenities of the street scene, in further conflict with Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015). These concerns align with those of the 96/0356 application. Furthermore, no information has been provided as to how these two developments would integrate.

#### *Impact on Local Residential Amenity*

7.18 Having regard for the nature of the proposal, the overall 2.15m increase in height, its siting relative to the attached neighbour and the distance from the properties opposite, it is not considered that the proposal would lead to a material loss of light or overbearing impact to neighbouring occupiers. Similarly, although it would result in the creation of additional openings at a higher level, it is not considered that it would result in a material increase in overlooking of neighbouring properties. The nearest potential issue of overlooking would be towards the rear elevation and rear garden of Rose Cottage, opposite. However, the proposal would be some 9.5m from the boundary with Rose Cottage and the elevations of these properties are laid out at an angle with an existing level of mutual overlooking. Therefore, it is not considered that the proposal would worsen the existing situation. Overall, officers consider that the proposal's impact on local residential amenity would be acceptable.

#### *Highways*

7.19 The scheme proposes the widening of the existing access towards the southern end of the site, the formalisation of 2No off-street car parking spaces and the provision of an on-site turning area, in place of a demolished garage and shed. These two spaces, combined with the existing roadside bay, would provide the property would a total of 3No car parking spaces, which would accord with the requirement for a 3+ bedroom property, in line with the Council's Parking Standards SPG and Policy T4 of the Newport Local Development Plan 2011-2026 (January 2015).

7.20 Policy GP4 of the Newport Local Development Plan 2011-2026 (January 2015) requires development to, *inter alia*, provide safe and suitable access arrangements, and to avoid any adverse impact on highway or pedestrian safety. Although they acknowledge that the proposal would result in an improvement to the driveway by the provision of a vehicle turning area, the Council's Highways Officer has objected to the proposal, as detailed in section 5.1 of this report. Their concerns are that the driveway has limited visibility from and of emerging vehicles and that the proposal is likely to increase its use given the requirement for 3No spaces. As such, they state that visibility splays of 2.4 x 43 metres in both directions would be required, and may not be achievable.

7.21 The proposed works would widen the existing access, formalise parking arrangements on site and provide an on-site turning area to allow vehicles to access and egress the site in a forward gear. These works would markedly improve the site's existing access and parking arrangements. Whilst the proposal may not have evidenced the required visibility, it is considered that as these works would improve an existing substandard access and serve a similar use, they would be acceptable. This aligns with the Council's stance on the same arrangement as submitted under application 20/0995, a stance which was also supported by the Planning Inspector. As such, it is considered that the proposal would be served by acceptable access arrangements, sufficient parking and would avoid any adverse impact on highway safety.

#### *Trees and Landscaping*

7.22 Policy GP5 of the Newport Local Development Plan 2011-2026 (January 2015) requires developments to, *inter alia*: protect and encourage biodiversity; demonstrate how they avoid, or mitigate and compensate negative impacts to biodiversity; have no unacceptable impact on landscape quality; include an appropriate landscape scheme, which enhances the site and the wider context; and include appropriate tree planting or retention and not result in the unacceptable loss of or harm to trees, woodland or hedgerows that have wildlife or amenity value.

7.23 The proposed works would have an impact on the landscape features of the site, including trees, hedgerows and vegetation both within and outside of the site boundary. No supporting tree/hedgerow survey (BS5837) has been submitted in support of the application to detail the extent of the potential loss or adverse impact to these features, nor to detail any protection measures. Similarly, no landscaping survey or information has been provided, required to assess the impact of the proposal on the landscape qualities of the site, to secure compensatory planting (if necessary) and to enhance the environmental, biodiversity and amenity qualities of the site. The application also lacks detail on the potential impact of the proposed access and parking area on the site's landscape features and site topography. The loss of or potential damage to these features, without any mitigation or compensation, would be detrimental to the environmental and biodiversity qualities of the site and to the visual amenities of the site and surrounding area, contrary to Policies GP2 and GP5 of the Newport Local Development Plan 2011-2026 (January 2015). There is also a lack of hard landscaping details, including surfacing and road frontage treatment, although these details could be secured by planning condition.

#### *Bats*

7.24 The development is also required to demonstrate that it would not lead to an adverse impact on any protected species, in accordance with Policy GP5 of the Newport Local Development Plan 2011-2026 (January 2015). A supporting bat survey has been provided, which assesses the bat roost potential of the building as negligible to low on the basis that no potential access points were identified on the building, although the Council's Ecologist considers that this may not be correct and that there is a high potential that bat access points were missed during the initial inspection. Nevertheless, the Council's Ecologist finds that the methodology, conclusions and the precautionary mitigation measures and enhancements proposed are sound and that, subject to a condition to secure these precautionary measures, there would be no adverse impact on a protected species.

## **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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

### **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 Officers consider that the proposal, by reason of its scale, height, massing, design, detailing, elevated nature and proximity to the highway, would be detrimental to the form, character and appearance of the host property, the character, symmetry and visual amenities of the pair of semi-detached dwellings and the character and visual amenities of the wider Station Road street scene, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).

9.2 No supporting tree, hedgerow or landscaping information has been provided as part of this submission to demonstrate that the proposal would either safeguard these important environmental features, or provide suitable compensation and enhancement. There is also a lack of detail on the impact of the proposed access and parking area on the site's landscape features and the site topography. The scheme is therefore considered contrary to Policies GP2 and GP5 of the Newport Local Development Plan 2011-2026 (January 2015). The proposal would have an acceptable impact on protected species.

9.3 The proposed works to widen the existing access, formalise the off-street car parking and provide an on-site turning area are considered to be acceptable, in accordance with Policies GP4 and T4 of the Newport Local Development Plan 2011-2026 (January 2015). However, the lack of tree, hedgerow and landscaping information as part of this application means that a full assessment of the impact of these works are not able to be undertaken. As such, it is not possible to recommend that the application is part granted in respect of this element.

9.4 As a result of the foregoing, officers recommend that planning permission is refused.

### 10. **RECOMMENDATION**

#### REFUSED

01 By reason of its scale, height, massing, design, detailing, elevated nature and proximity to the highway, the proposed development would represent a bulky, obtrusive and unsympathetic alteration to the property, to the detriment of its form, character and appearance, as well as the character, symmetry and visual amenities of the pair of semi-detached dwellings and the character and visual amenities of the wider Station Road street scene, contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (January 2015).

02 The proposal, by reason of a lack of survey or supporting information, fails to demonstrate that the proposal would not have an adverse impact upon interests of acknowledged importance, namely trees, hedgerows and landscaping. Any loss or damage to these features without suitable compensation would be detrimental to the environmental qualities of the site and the amenities of the area. The submission also fails to address the potential impact of the proposed access and parking area on the site's landscape features and topography. The

development is therefore considered contrary to Policies GP2 and GP5 of the Newport Local Development Plan 2011-2026 (January 2015).

#### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: AL(90)02; AL(90)10; AL(00)01; AL(00)10; AL(00)15; AL(00)30; Site Photographs; Celtic Ecology Building Inspection in Respect of Bats (dated March 2022); and Email from Arran Dallimore, dated 31 March 2022.

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

03 The Council's Supplementary Planning Guidance - House Extensions and Domestic Outbuildings (January 2020) was adopted following consultation and is relevant to the determination of this application.

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

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## **LATE REPRESENTATIONS**

- 1.3 Officers have become aware of an administrative error which incorrectly named 'L McCarthy' as the applicant for application 21/1235 as well as application 21/1236, when it should have named 'O Davies' as the applicant for application 21/1235.
- 1.4 As a consequence, reference in the report to a concurrent submission for the property known as Avalon by the same applicant should be omitted. Paragraph 7.16 of the officer's committee report should be amended as follows:
- 7.16 *Despite the concurrent submission ~~by the same applicant~~, the LPA has limited means of ensuring that both developments take place, with no such means presented as part of these submissions. As such, no weight can be given to the appearance or impact of the developments in combination. Even if such a mechanism were available, the combined impact of both developments would markedly increase the scale, massing and visual impact of the proposal compared to existing properties and within the street scene, reinforcing and exacerbating officers' existing concerns.*

## **2. OFFICER RESPONSE TO LATE REPRESENTATIONS**

- 2.1 In respect of this application, officers consider that the submission of these applications (21/1235 and 21/1236) by separate applicants reaffirms and exacerbates their concerns surrounding the ability to control the implementation of both developments, as detailed in paragraphs 7.15 - 7.17 of the main report.

## **3. OFFICER RECOMMENDATION**

- 3.1 As per the original report.

5.

**APPLICATION DETAILS**

**No:** 22/0193      **Ward:** Caerleon

**Type:** Listed Building

**Expiry Date:** 5th August 2022

**Applicant:** C Baker Westhead

**Site:** 23 High Street Caerleon Newport NP18 1AG

**Proposal:** **LISTED BUILDING CONSENT FOR DEMOLITION OF UTILITY ROOM AND AWNING, CONSTRUCTION OF SINGLE STOREY REAR EXTENSION, REPLACEMENT OF STEPS, RETAINING WALL, KITCHEN DOOR, WINDOWS AND WINDOW LINTELS AND DORMER WINDOW CLADDING**

**Recommendation:** **GRANTED WITH CONDITIONS, SUBJECT TO CADW APPROVAL**

**1. INTRODUCTION**

1.1 This application seeks Listed Building Consent for demolition of a utility room and awning, the construction of a single storey rear extension and replacement of steps, boundary wall, doors, windows and dormer window cladding at the mid-terrace property at 23 High Street,

Caerleon, Newport. An application for planning permission for these works is being considered concurrently, under application 22/0243.

- 1.2 This application is brought before planning committee as the applicant is an elected member for the Caerleon ward.

## 2. RELEVANT SITE HISTORY

22/0243 DEMOLITION OF UTILITY ROOM AND AWNING, CONSTRUCTION OF SINGLE STOREY REAR EXTENSION, REPLACEMENT OF STEPS, RETAINING WALL, KITCHEN DOOR, WINDOWS AND DORMER WINDOW CLADDING On this agenda

## 3. POLICY CONTEXT

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

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 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.

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 16(2) states that "In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

## 4. CONSULTATIONS

- 4.1 CAERLEON CIVIC SOCIETY: No response.

- 4.2 NEWPORT CIVIC SOCIETY: No response.

- 4.3 ROYAL COMMISSION FOR ANCIENT MONUMENTS: No response.

- 4.4 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST (GGAT): Information in the Historic Environment Record indicates that 23 High Street is a Grade II Listed Building (Cadw ref. 2972) probably dating to the early 18th century, but may have earlier origins as suggested by the battered plinth. It is also located in the Newport Archaeologically Sensitive Area (ASA), approximately 16m to the east of Caerleon Legionary Fortress Scheduled Monument (Cadw ref: MM230). Numerous Roman and medieval finds, features and structures have been identified within the immediate and surrounding areas. Whilst we note the already partially disturbed nature of the ground, it is possible that archaeological remains will be encountered within the application area. Therefore it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

## 5. INTERNAL COUNCIL ADVICE

- 5.1 HISTORIC BUILDINGS CONSERVATION OFFICER: Overall, after some amendments to the original scheme, it is considered that the proposed development would preserve the historic and architectural interest of the listed building. The approach to have a contemporary glazed extension to contrast the historic stone building works well, and ensures the original

character remains prominent. The extension would have very little impact on the fabric of the building as it would not be physically attached to stonework or mortar joints. The proposed alterations to fenestration are considered to be an enhancement to the building's interest as the existing are either in poor condition or unsympathetic materials. Creating a more uniform but traditionally appearing rear elevation is something we would fully support. Initial concerns were raised at the removal of the rear garden room, however after a clear justification for the works and an assessment of its condition on site, its removal would allow the host dwelling to be appropriately developed for improved modern living whilst retaining significance. Therefore, in principle, I would be in support of the application.

## **6. REPRESENTATIONS**

- 6.1 NEIGHBOURS: All properties that share a common boundary with the application site were consulted (5No properties), a site notice displayed and a press notice published in South Wales Argus. No representations were received.
- 6.2 COUNCILLORS: Ward Councillors Baker-Westhead, Cocks and Hughes were consulted. No representations were received.

## **7. ASSESSMENT**

- 7.1 The application property is a mid-terrace, two storey, Grade II Listed Building, located within the Caerleon Conservation Area. It also lies within a designated Archaeologically Sensitive Area. It is listed for its significant historic character and for having strong group value with the surrounding historic buildings in the centre of Caerleon. The building itself consists of cement rendered rubble walls, two red brick chimney stacks and a Welsh slate pitched roof with gable ends. The building is believed to be of 18<sup>th</sup> century construction, although its listing description suggests it could have earlier origins.
- 7.2 At the rear, the property has two doorways and two side hung sashes with glazing bars to the ground floor, three side hung sashes to the first and two small dormers on the roof. This fenestration is not original and dates to the 1980s. Many of the original timber lintels have been inappropriately replaced with concrete. A small brick utility room lies to the rear, detached from the property itself, dating back to the early 20<sup>th</sup> century (with its concrete tiled roof dating back to the mid-20<sup>th</sup> century). A mono-pitched timber awning with fabric roof also lies to the rear and encompasses the aforementioned utility room, creating additional outdoor living space.
- 7.3 This scheme would see the removal of the brick utility room and timber awning, to be replaced with a single storey, flat roofed, rear extension of contemporary and contrasting style, consisting primarily of glazed panels set in dark grey powder coated aluminium frames, with a single ply membrane roof and aluminium fascias. It would be laid on a reinforced concrete base and would be self-supporting, with no structural impact on the host building. The extension would adjoin to the existing boundary wall, leaving the stone of both the boundary wall and the rear elevation of the property exposed internally, with lead flashing installed between the roof of the extension and the existing walls. It would measure 4.1m in width, 5.1m in depth and reach a height of 2.75m to its flat roof. It also have overhanging eaves to act as a canopy. When including these overhanging eaves, it would measure 5.4m in width and 6.2m in depth.
- 7.4 In addition to the above, the existing retaining wall in the garden would be relocated 1.3m further into the garden to accommodate the proposed extension, with the steps also relocated. This area would then be laid in recycled limestone slabs. The replacement retaining garden wall would be constructed of concrete blocks, faced in re-used stone with lime pointing. The existing (non-original) softwood windows would be replaced with painted hardwood windows of traditional design and construction. The ground floor doors would also be replaced with painted hardwood doors. The existing concrete and oak window lintels would be replaced with oak lintels. The window frames to the dormer windows would be replaced with hardwood frames, and the dormers themselves clad in slate instead of the current softwood. The proposal would also install new gutters, down pipes and soil vent pipes with black cast aluminium replacements from a 'heritage' range.

- 7.5 All works are proposed to the rear of the property. The agent has indicated that another application will subsequently be submitted for any other necessary works elsewhere on the property.
- 7.6 Although the proposal would result in the loss of the outbuilding, it is not an original structure and is in poor condition, with some unsympathetic alterations having taken place which further detract from its character. Its loss has been justified within submitted documents, with the submitted plans also providing a method statement for its removal and the protection of the boundary wall. The contemporary form, style, appearance and materials of the proposed extension would be in clear contrast with the historic stone host building. However, the use of large areas of glazing to the elevations would allow for the original stonework to be visible and exposed when looking in, allowing for the original features and the character of the property to be retained. The scheme originally proposed to include an enclosed WC within this extension, although this was omitted at officers' request as it would have concealed a large portion of the rear elevation stonework.
- 7.7 The extension would be of an appropriate scale in relation to the host property, particularly as part of it would take the form of overhanging eaves and its elevations would be glazed, which both serve to reduce its massing. The difference in ground levels between the application site and its upper garden area also serve to partially screen the proposal. In terms of its relationship with the host property, it is considered that a glazed extension would be an acceptable solution in this instance, ensuring it does not detract from the historic character of the host.
- 7.8 The proposed windows and doors would replace the existing openings with replacements of more appropriate design and materials and so would improve the overall character and appearance of the property. Similarly, the installation of slate to the dormer windows would replace the less appropriate softwood cladding. The use of aluminium guttering, down pipes and soil vent pipes would also be appropriate, although no particular items from the heritage range have been specified – further details can be required by a suitably worded planning condition. The replacement garden wall, steps and paving stones would be undertaken in appropriate materials and so would have an acceptable impact.
- 7.9 Overall, officers consider that the proposed works would have an acceptable design, appearance and visual impact, and that they would preserve (and in some ways, enhance) the special architectural and historic interest of the Listed Building, as required by LDP Policy SP9 and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.10 As the site is located within an Archaeologically Sensitive Area, the Council's archaeological advisors have recommended a condition requiring the submission of a written scheme of investigation for a programme of archaeological work, to protect the archaeological resource as required by LDP Policy CE6. Such a condition is suggested to be attached to application 22/0243, accordingly.

## **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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

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 Overall, officers consider that the proposed works would be acceptable and would preserve the special character and setting of the building, as well as its special architectural or historic interest. The scheme would therefore accord with Policies SP9, GP2 and GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015) and Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.2 Officers therefore recommend that this application is granted with conditions, subject to CADW approval.

**10. RECOMMENDATION**

GRANTED WITH CONDITIONS SUBJECT TO CADW APPROVAL

01 The development shall be implemented in accordance with the following plans and documents: SD590 02B; SD590 03B and Heritage Impact Assessment (dated 26 May 2022). Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

***Pre- commencement conditions***

02 Prior to the commencement of the development hereby approved, full details of the proposed replacement rainwater goods and soil vent pipe, as well as a sample of the proposed oak window lintels, shall be submitted to, and be 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 and in the interest of safeguarding the character and appearance of the Conservation Area and the special character of the Listed Building.

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: SD590 01A.

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

03 Section 16(2) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 was relevant to the determination of this application.

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6.

***APPLICATION DETAILS***

**No:** 22/0243      **Ward:** Caerleon

**Type:** Full Application

**Expiry Date:** 8th July 2022

**Applicant:** *C Baker Westhead*

**Site:** *23 High Street Caerleon Newport NP18 1AG*

**Proposal:** ***DEMOLITION OF UTILITY ROOM AND AWNING, CONSTRUCTION OF SINGLE STOREY REAR EXTENSION, REPLACEMENT OF STEPS, RETAINING WALL, KITCHEN DOOR, WINDOWS AND DORMER WINDOW CLADDING***

**Recommendation:** ***GRANTED WITH CONDITIONS***

**1. INTRODUCTION**

1.1 This application seeks planning permission for the demolition of a utility room and awning, the construction of a single storey rear extension and replacement of steps, boundary wall, doors, windows and dormer window cladding at the mid-terrace Listed Building at 23 High

Street, Caerleon, Newport. An application for Listed Building Consent for these works is also for determination on this agenda, reference 22/0193.

- 1.2 This application is brought before planning committee as the applicant is an elected member for the Caerleon ward.

## 2. RELEVANT SITE HISTORY

18/1219 PROPOSED WORKS TO CHERRY, APPLE, MAPLE AND BIRCH TREES WITHIN CAERLEON CONSERVATION AREA. No objections

22/0193 LISTED BUILDING CONSENT FOR DEMOLITION OF UTILITY ROOM AND AWNING, CONSTRUCTION OF SINGLE STOREY REAR EXTENSION, REPLACEMENT OF STEPS, RETAINING WALL, KITCHEN DOOR, WINDOWS AND WINDOW LINTELS AND DORMER WINDOW CLADDING On this agenda

## 3. POLICY CONTEXT

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

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

Policy CE7 (Conservation Areas) sets out the criteria that development proposals within or adjacent to the conservation area must comply with in order to preserve or enhance the conservation area.

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

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

### Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1) states that, when considering whether to grant planning permission for development which affects a Listed Building or its setting, the Local Planning Authority shall "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"

## 4. CONSULTATIONS

- 4.1 DWR CYMRU/WELSH WATER: Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts us to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- 4.2 CAERLEON CIVIC SOCIETY: No response.

- 4.3 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST (GGAT): Information in the Historic Environment Record indicates that 23 High Street is a Grade II Listed Building (Cadw ref. 2972) probably dating to the early 18<sup>th</sup> century, but may have earlier origins as suggested by the battered plinth. It is also located in the Newport Archaeologically Sensitive Area (ASA),

approximately 16m to the east of Caerleon Legionary Fortress Scheduled Monument (Cadw ref: MM230). Numerous Roman and medieval finds, features and structures have been identified within the immediate and surrounding areas. Whilst we note the already partially disturbed nature of the ground, it is possible that archaeological remains will be encountered within the application area. Therefore it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

## **5. INTERNAL COUNCIL ADVICE**

5.1 HISTORIC BUILDINGS CONSERVATION OFFICER: Overall, after some amendments to the original scheme, it is considered that the proposed development would preserve the historic and architectural interest of the listed building. The approach to have a contemporary glazed extension to contrast the historic stone building works well, and ensures the original character remains prominent. The extension would have very little impact on the fabric of the building as it would not be physically attached to stonework or mortar joints. The proposed alterations to fenestration are considered to be an enhancement to the building's interest as the existing are either in poor condition or unsympathetic materials. Creating a more uniform but traditionally appearing rear elevation is something we would fully support. Initial concerns were raised at the removal of the rear garden room, however after a clear justification for the works and an assessment of its condition on site, its removal would allow the host dwelling to be appropriately developed for improved modern living whilst retaining significance. Therefore, in principle, I would be in support of the application.

## **6. REPRESENTATIONS**

6.1 NEIGHBOURS: All properties that share a common boundary with the application site were consulted (6No addresses) and a site notice posted. No representations were received.

6.2 COUNCILLORS: Ward Councillors Baker-Westhead, Cocks and Hughes were consulted. No representations were received.

## **7. ASSESSMENT**

7.1 The application property is a mid-terrace, two storey, Grade II Listed Building, located within the Caerleon Conservation Area. It also lies within a designated Archaeologically Sensitive Area. It is listed for its significant historic character and for having strong group value with the surrounding historic buildings in the centre of Caerleon. The building itself consists of cement rendered rubble walls, two red brick chimney stacks and a Welsh slate pitched roof with gable ends. The building is believed to be of 18<sup>th</sup> century construction, although its listing description suggests it could have earlier origins.

7.2 At the rear, the property has two doorways and two side hung sash windows with glazing bars to the ground floor, three side hung sashes to the first and two small dormers on the roof. This fenestration is not original and dates back to the 1980s. Many of the original timber lintels have been inappropriately replaced with concrete. A small brick utility room lies to the rear, detached from the property itself, dating back to the early 20<sup>th</sup> century (with its concrete tiled roof dating back to the mid-20<sup>th</sup> century). A mono-pitched timber awning with fabric roof also lies to the rear and encompasses the aforementioned utility room, creating additional outdoor living space.

7.3 This scheme would see the removal of the brick utility room and timber awning, to be replaced with a single storey, flat roofed, rear extension of contemporary and contrasting style, consisting primarily of glazed panels set in dark grey powder coated aluminium frames, with a single ply membrane roof and aluminium fascias. It would be laid on a reinforced concrete base and would be self-supporting, with no structural impact on the host building. The extension would adjoin to the existing boundary wall, leaving the stone of both the boundary wall and the rear elevation of the property exposed internally, with lead flashing installed between the roof of the extension and the existing walls. It would measure 4.1m in width, 5.1m in depth and reach a height of 2.75m to its flat roof. It also have overhanging eaves to act as a canopy. When including these overhanging eaves, it would measure 5.4m in width and 6.2m in depth.

- 7.4 In addition to the above, the existing retaining wall in the garden would be relocated 1.3m further into the garden to accommodate the proposed extension, with the steps also relocated. This area would then be laid in recycled limestone slabs. The replacement retaining garden wall would be constructed of concrete blocks, faced in re-used stone with lime pointing. The existing (non-original) softwood windows would be replaced with painted hardwood windows of traditional design and construction. The ground floor doors would also be replaced with painted hardwood doors. The existing concrete and oak window lintels would be replaced with oak lintels. The window frames to the dormer windows would be replaced with hardwood frames, and the dormers themselves clad in slate instead of the current softwood. The proposal would also install new gutters, down pipes and soil vent pipes with black cast aluminium replacements from a 'heritage' range.
- 7.5 All works are proposed to the rear of the property. The agent has indicated that another application will subsequently be submitted for any other necessary works elsewhere on the property.
- 7.6 Although the proposal would result in the loss of the outbuilding, it is not an original structure and is in poor condition, with some unsympathetic alterations having taken place which further detract from its character. Its loss has also been justified within submitted documents. The contemporary form, style, appearance and materials of the proposed extension would be in clear contrast with the historic stone host building. However, the use of large areas of glazing to the elevations would allow for the original stonework to be visible and exposed when looking in, allowing for the original features and the character of the property to be retained. The scheme originally proposed to include an enclosed WC within this extension, although this was omitted at officers' request as it would have concealed a large portion of the rear elevation stonework.
- 7.7 The extension would be of an appropriate scale in relation to the host property, particularly as part of it would take the form of overhanging eaves and its elevations would be glazed, which both serve to reduce its massing. The difference in ground levels between the application site and its upper garden area also serve to partially screen the proposal. In terms of its relationship with the host property, officers consider that a glazed extension would be an acceptable solution in this instance, ensuring it does not detract from the historic character of the host.
- 7.8 The proposed windows and doors would replace the existing openings with replacements of more appropriate design and materials and so would improve the overall character and appearance of the property. Similarly, the installation of slate to the dormer windows would replace the less appropriate softwood cladding. The use of aluminium guttering, down pipes and soil vent pipes would also be appropriate, although no particular items from the heritage range have been specified – further details can be required by a suitably worded planning condition. The replacement garden wall, steps and paving stones would be undertaken in appropriate materials and so would have an acceptable impact.
- 7.9 With regards to the impact of the proposal on the Conservation Area, the works would be sited entirely at the rear of the property, away from a public vantage point so would have a limited visual impact. Nonetheless, officers consider that the works proposed would be acceptable and would preserve the character and appearance of the Caerleon Conservation Area.
- 7.10 Overall, officers consider that the proposed works would have an acceptable design, appearance and visual impact, as well as an acceptable impact on the Caerleon Conservation Area. Furthermore, they would also preserve (and in some ways, enhance) the special architectural and historic interests of the Listed Building, as required by LDP Policy SP9 and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.11 With regards to residential amenity, it was noted on site that the rear building lines of neighbouring properties are set further back in their plot, with the rear garden area of the application site set at a lower level, adjacent to the adjoining walls of neighbouring properties. As a result of this relationship, and given the single storey scale of the proposed extension, officers consider that the proposal would have an acceptable impact on local residential amenity, avoiding any overbearing impact, loss of light or loss of privacy.

7.12 As the site is located within an Archaeologically Sensitive Area, the Council's archaeological advisors have recommended a condition requiring the submission of a written scheme of investigation for a programme of archaeological work, to protect the archaeological resource as required by LDP Policy CE6. Such a condition is attached, accordingly.

## **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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

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

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

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

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

## **9. CONCLUSION**

9.1 Having regard to the aforementioned policies of the LDP, officers consider that the proposed works would have an acceptable design, appearance and visual impact. They would also have an acceptable impact on local residential amenity, the character and appearance of the

Caerleon Conservation Area, the special character of the Listed Building and, subject to a condition, archaeology.

9.2 Officers therefore recommend that planning permission is granted with conditions.

## 10. RECOMMENDATION

### GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: SD590 02B; SD590 03B and Heritage Impact Assessment (dated 26 May 2022). Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

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

02 Prior to the commencement of the development hereby approved, full details of the proposed replacement rainwater goods and soil vent pipe, as well as a sample of the proposed oak window lintels, shall be submitted to, and be 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 and in the interest of safeguarding the character and appearance of the Conservation Area and the special character of the Listed Building.

03 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 features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

#### ***General conditions***

04 At no time shall the flat roof of the extension hereby approved be used as any form of balcony, roof terrace or sitting out area.

Reason: To protect the privacy of occupiers of adjoining residential properties and in the interest of safeguarding the character and appearance of the Conservation Area and the special character of the Listed Building.

### *NOTE TO APPLICANT*

01 This decision also relates to plan Nos: SD590 01A.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP9, CE7, GP2 and GP6 were relevant to the determination of this application.

03 Section 66 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 was relevant to the determination of this application.

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

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

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7.

**APPLICATION DETAILS**

**No:** 22/0319      **Ward:** Beechwood

**Type:** Full Application

**Expiry Date:** 15<sup>th</sup> July 2022

**Applicant:** *D Pisani*

**Site:** *Monnow Junior And Infant School Darent Close Bettws Newport South Wales*

**Proposal:** **INSTALLATION OF WALL MOUNTED CANOPY**

**Recommendation:** **GRANTED WITH CONDITIONS**

**1. INTRODUCTION**

- 1.1 This application seeks consent for the proposed installation of 1no. wall mounted canopy at Monnow Junior and Infant School, Darent Close, Bettws. The site is located in the Beechwood ward and this application is being reported to Committee as the site is Council owned land.

## 2. RELEVANT SITE HISTORY

REFERENCE	DESCRIPTION	DECISION
99/1056	ERECTION OF SINGLE STOREY CLASSROOM EXTENSION	GRANTED WITH CONDITIONS
08/0024	ERECTION OF A STORAGE CONTAINER	GRANTED
08/0751	INSTALLATION OF NEW SECURITY FENCING AND GATES	GRANTED WITH CONDITIONS
09/0174	CONSTRUCTION OF RAISED PLAY AREAS WITH CANOPIES AND INSTALLATION OF NEW FIRE EXIT DOOR	GRANTED
13/0616	DEMOLITION OF PREFABRICATED BUILDING. REPLACEMENT WITH MODULAR BUILDING WITH ATTACHED CANOPY FOR USE AS A PRE-SCHOOL EDUCATION SERVICE (FLYING START) AND PROVISION OF 6NO. PARKING SPACES, TURNING AREA AND NEW PATHS	GRANTED WITH CONDITIONS
21/0825	INSTALLATION OF 2.4M HIGH SECURITY FENCING AND GATES TO SEPARATE THE CAR PARK FROM PUPIL PLAYGROUND	GRANTED WITH CONDITIONS
21/0896	INSTALLATION OF 4NO. FREE STANDING CANOPIES IN VARIOUS LOCATIONS AROUND THE SCHOOL	GRANTED WITH CONDITIONS

## 3. POLICY CONTEXT

- 3.1 Policies GP2 (General Amenity), GP4 (Highways and Accessibility), GP5 (Natural Environment) and SP3 (Flood Risk) 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 GP5 (Natural Environment) states: development will be permitted where, as applicable:
- i) The proposals are designed and managed to protect and encourage biodiversity and ecological connectivity, including through the incorporation of new features on or off site to further the UK, Welsh and/or Newport biodiversity action plans;
  - ii) The proposals demonstrate how they avoid or mitigate and compensate negative impacts to biodiversity, ensuring that there are no significant adverse affects on areas of nature conservation interest including international, European, national, Welsh Section 42 and location protected habitats and species, and protecting features of importance for ecology;
  - iii) The proposal will not result in an unacceptable impact on water quality;
  - iv) The proposal should not result in the loss of reduction in quality of high quality agricultural land (Grade 1,2 and 3A);
  - v) There would be no unacceptable impact on landscape quality;

- vi) The proposal includes an appropriate landscape scheme, which enhances the site and the wider context including green infrastructure and biodiversity networks;
- vii) The proposal includes appropriate tree planting or retention where appropriate and does not result in the unacceptable loss of or harm to trees, woodland or hedgerows that have wildlife or amenity value.

- 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 SP3 (Flood Risk) states: Newport's coastal and riverside location necessitates that development be directed away from areas where flood risk is identified as a constraint and ensure that the risk of flooding is not increased elsewhere. Development will only be permitted in flood risk areas in accordance with national guidance. Where appropriate a details technical assessment will be required to ensure that the development is designed to cope with the threat and consequences of flooding over its lifetime. Sustainable solutions to manage flood risk should be prioritised.

#### **4. CONSULTATIONS**

- 4.1 NATURAL RESOURCES WALES: We have no objection to the proposed development as submitted and provide the following advice.

##### **Flood Risk**

Our Flood Risk Map confirms the application site lies partially within Zone C2 of the Development Advice Map (DAM) as contained in TAN15 and the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zones 2 and 3 (Rivers). We have reviewed the Flood Consequences Assessment, prepared by Aegaea, document reference AEG0167\_NP20\_Newport, dated September 2021, submitted in support of the above application. Given the scale and nature of the proposed development, we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development. In areas at risk of flooding, we recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. We refer the Applicant to our website for further advice and guidance is available. Additional guidance including the leaflet "Prepare your Property for flooding" can be found here.

##### **European Protected Species**

We recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of bats, a European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation

and Planning (paragraph 6.2.2) a bat survey may be required. The survey should be carried out in accordance with 'Bat Surveys; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016. Please consult us again if any survey undertaken finds that bats are present at the site and you require further advice from us.

### **Advice for Applicant – Pollution Prevention**

Due to the proximity of the site to the Malpas Brook, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works and maintenance in or near water' and 'Working at construction and demolition sites' which are available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>.

## **5. INTERNAL COUNCIL ADVICE**

5.1 EDUCATION MANAGER: No response.

5.2 TREE OFFICER: No objections.

5.3 ECOLOGY OFFICER: In relation to 22/0319 the proposed canopy is attached to the wall rather than free-standing, as was the case for application 21/0896. However, as the roof would not be impacted, I think the risk of significant impact upon roosting bats or nesting birds would be minimal. Therefore, to take account of any residual risk of impact upon bats, we should attach a Bat Advisory to any consent granted.

## **6. REPRESENTATIONS**

6.1 NEIGHBOURS: Neighbours with a common boundary and opposite (8no. properties) were consulted and no responses were received.

## **7. ASSESSMENT**

7.1 This application seeks consent for the proposed installation of 1no. wall mounted canopy at Monnow Junior and Infant School, Darent Close, Bettws. The site is located in the Beechwood ward and this application is being reported to Committee as the site is Council owned land.

7.2 The canopy would measure 16.5m in width, 5.4m in depth and 2.93m high (at its tallest point). It would be constructed with an aluminium frame and corrugated plastic sheeting.

7.3 Policies GP2 (General Amenity), GP5 (Natural Environment), GP6 (Quality of Design) and SP3 (Flood Risk) of the Newport Local Development Plan 2011-2026 (adopted January 2015) are relevant to the determination of this planning application.

7.4 With regard to visual amenity, the canopy would be partially visible from the rear gardens of the properties located along Cherwell Walk, Frome Walk, Darent Close and Darent Walk. Canopies of this nature are becoming an increasingly common feature in schools as they provide additional outdoor play/amenity space. Owing to the character and design of the existing school and the location, scale and design of the canopies it is not considered that the proposal would have a harmful impact on the appearance of the school or the wider streetscene. The closest neighbouring properties to the site are located to the north along Frome Walk at a distance of approximately 68m. Due to the separation distance from neighbouring properties, it is not considered that the proposal would result in a harmful impact on the amenity of neighbouring properties. Therefore, it is considered that the canopies are suitably designed and are in accordance with policies GP2 and GP6.

7.5 There is an existing Oak tree located to the north of the proposed canopy, which is considered protected as it is within Council ownership. Tree survey information has been submitted with the application which confirms that the proposed works would take place outside the root protection zone of the existing tree and any works in close proximity would be hand dig only. The council's tree officer has advised that she has no objections to the proposal subject to a number of conditions. On this basis the proposal is considered acceptable.

7.6 The site lies partially within the previous Flood Zone C2. TAN15 seeks to direct new development away from Flood Zone C2, but acknowledges that some development within existing built up areas can be permitted where it can be justified. NRW have been consulted on the application and confirmed that they have no objection to the proposal and given the scale nature of the proposed development they consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks. The applicant can view further advice and guidance via NRW's website. In this case the development is considered to be justified in accordance with TAN15, the existing use of the site is classified as highly vulnerable development and as the proposals would not change the use of the land or intensify the use, it is considered that the proposal would not increase the risk of flooding or flood management considerations. Overall it is considered that the development is justified in accordance with Policy SP3 and TAN15.

## 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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

### 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 By reason of its location, scale and design it is considered that the proposed canopies would not result in a harmful impact on visual or residential amenity and would not result in increased risk of flooding to occupiers of the property or the surrounding area.

9.2 The proposed development is considered to be acceptable and in accordance with policies SP3, GP2, GP5 and GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015). Planning permission is granted with conditions.

## **10. RECOMMENDATION**

### **GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents: Proposed Elevations (received 30/03/2022) and Block Plan (received 30/03/2022), Tree Protection Plan (received 30/03/2022) and Monnow Oak Aerial (received 30/03/2022).

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

Reason: To protect existing landscape features on the site.

03 No development, to include demolition, shall commence until the approved Tree Protection Plan (received 30/03/2022) has been implemented. The development shall be carried out in accordance with the approved Tree Protection Plan.

Reason: To protect important landscape features within the site.

04 No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection 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. The fencing shall be retained for the full duration of the development, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To protect important landscape features within the site.

05 No operations of any description, (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection within the development, until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall contain full details of the following:

- Temporary ground protective boards on the ground where frequent foot traffic will be near the trees rooting area extremity;
- Pad holes; and
- Service positions.

The development shall be carried out in full compliance with the Arboricultural Method Statement unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect important landscape features within the site.

06 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:

- Supervision and monitoring of the approved Tree Protection Plan;
- Overseeing working within any Root Protection Area; and
- Reporting to the Local Planning Authority.

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.

#### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: Site Location Plan, Proposed Elevations (received 30/03/2022), Block Plan (received 30/03/2022), Existing Elevation Plan (received 08/03/2022) and Flood Risk Assessment (received 08/03/2022), Tree Protection Plan (received 30/03/2022) and Monnow Oak Aerial (received 30/03/2022).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2 (General Amenity) and GP6 (Quality of Design), 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.

04 Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are roosting, Natural Resources Wales (NRW) must be contacted for advice. If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately. Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary. Where bats or their roosts are present, no works of site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result in a fine and/or imprisonment.

NRW can be contacted at:-

Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Newport CF24 0TP, 0300 065 3000

Bat Conservation Trust can be contacted at:-

5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845 1300228

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8.

***APPLICATION DETAILS***

**No:** 22/0324                      **Ward:** Gaer

**Type:** Full Application

**Expiry Date:** 8th July 2022

**Applicant:** *A Waters*

**Site:** *108 Cae Perllan Road Newport South Wales NP20 3FT*

**Proposal:** ***LOFT CONVERSION, HIP TO GABLE ROOF EXTENSION AND REAR DORMER (RESUBMISSION OF 21/0955)***

**Recommendation:** **GRANTED SUBJECT TO CONDITIONS**

**1. INTRODUCTION**

1.1 This application seeks planning permission for a loft conversion involving a hip to gable roof extension and rear dormer at 108 Cae Perllan Road, Newport.

- 1.2 The application has been submitted following the refusal of application number 21/0955, which was determined by the Council's Planning Committee on February 2<sup>nd</sup> 2022 .
- 1.3 The current application is reported to Planning Committee as an elected member has been consulted as a neighbour.

## 2. RELEVANT SITE HISTORY

Application No:	Proposal:	Decision:
21/0955	DEMOLITION OF DETACHED SINGLE GARAGE AND CONSTRUCTION OF TWO STOREY SIDE/REAR EXTENSION CONTAINING HALLWAY, WC/SHOWER, UTLITY AREA AT GROUND FLOOR WITH BEDROOM AND EXTENDED LANDING AT FIRST FLOOR	Refused
19/0496	PROPOSED SINGLE STOREY EXTENSION TO REAR OF PROPERTY	Refused
95/1013	SINGLE STOREY FRONT EXTENSION CONTAINING CLOAK ROOM AND CUPBOARD	Granted with Conditions

## 3. POLICY CONTEXT

3.1 The following policies of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) are relevant to this proposal:

- Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
- Policy GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.
- Policy T4 Parking states that development will be expected to provide appropriate levels of parking.

3.2 The Council's House Extensions and Domestic Outbuildings Supplementary Planning Guidance (SPG) (Adopted January 2020) is also relevant to the determination of this application.

## 4. CONSULTATIONS

4.1 None.

## 5. INTERNAL COUNCIL ADVICE

5.1 None.

## 6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties that share a common boundary with the application site, as well as those opposite, were consulted (7 No. properties). No representations were received.

## **7. ASSESSMENT**

### **7.1 *Background and Proposed Development***

- 7.1.1 As noted, this application has been submitted following the refusal of 21/0955, which sought planning permission for the demolition of a detached garage and the construction of a two storey side/rear extension. The application was refused because it was considered that the two storey side extension would have resulted in an adverse impact on the character and visual amenities of the host property and the wider street scene by infilling the space between properties and would also have had an overbearing impact upon the adjacent neighbour to the north. As such, the Applicant now wishes to undertake a loft conversion which involves a hip to gable roof extension and dormer.

- 7.1.2 The proposed hip to gable roof extension would be built flush with the side elevation of the existing dwelling. The proposed dormer would be sited on the rear roof plane and would measure approximately 5.5 metres in width. It would be built to the ridge of the host dwelling but would be set away from the eaves by approximately 0.30 metres and positioned in from the northern side by approximately 0.1 metres and in from the southern side by approximately 0.85 metres. The proposed development would provide the property with a fourth bedroom and en-suite bathroom and be constructed in materials to match the host dwelling.

### **7.2 *Character and Appearance***

- 7.2.1 The House Extensions and Domestic Outbuildings SPG states that a proposal that changes the form of a roof should be consistent with the scale and proportions of the existing building and should not detract from the character and appearance of the streetscape. It is noted that a number of properties along Cae Perllan Road have been previously altered and extended, most commonly by front and rear extensions and through extensions to the roof. Both neighbouring properties to the immediate north and south have undergone roof extensions which include altering the roof form from a hipped roof to a gable roof. It is however noted that in both instances the gable end is set away from the side elevation of the dwelling. Notwithstanding this, there is an example of a hip to gable roof extension which matches that proposed within the wider street at No. 70. Furthermore, due to the alteration to the roof of the adjoining property, it is considered that the proposal would result in a greater degree of balance to the semi-detached pair when compared with the current situation.

- 7.2.2 The SPG states that a dormer should respect the character of the existing building and be set back at least 0.5 metres from the eaves and 0.5 metres down from the ridge. The proposed dormer would not meet this guidance. Notwithstanding this, it is considered that the dormer would appear adequately subservient, being set in from the side elevations and not highly visible from the front of the site. Furthermore, the proposed materials would match those currently used at the site.

- 7.2.3 Based on the above, it is considered that the proposal would have an acceptable impact upon the character and appearance of the host dwelling, as well as that of the street scene, thereby complying with Policy GP6 of the local plan.

### **7.3 *Residential Amenity***

- 7.3.1 The application site is located in a residential location with the neighbours that share a boundary with the application site likely to be most affected by the proposed development.

- 7.3.2 There are no immediate neighbours to the rear of the application site, however the proposal would result in the creation of additional rear and side facing windows at second floor level. The additional rear windows would offer views into the neighbouring gardens to the north and south, however this is already achieved by the existing first floor windows. The proposed side window in the gable end would offer views towards the side elevation of No. 110, however the new window would be sited adjacent to a staircase and would not serve a habitable room. It is therefore considered that any overlooking would be minimal and no worse than what would be reasonably expected in a built up residential location.

- 7.3.3 Whilst the proposed extensions would be partially visible from the adjoining semi detached property (No.106), they would not result in a significant reduction in natural light to this

property or be overbearing, passing the tests for natural light contained within the Council's SPG. It is noted that the neighbour to the north, No.110, is sited at a higher level than the application property, with its side elevation facing the proposed hip to gable extension. The side elevation of No. 110, contains a number of openings, the majority of which do not serve habitable rooms. The planning history shows that there is a window serving a cupboard, a secondary window to the kitchen/family room extension, a window serving the landing, 2No small windows serving a bathroom and a window in the gable end serving accommodation in the roofspace. However, there is also a large, original window at ground floor level which serves a study (having previously served the kitchen prior to the construction of its rear extension). Given the nature and level of use of this study, it is considered that this represents a habitable room.

- 7.3.4 In order to assess the impact of the proposal on the study window, the elevation-view 45 degree test for natural light has been undertaken, with the gable end projecting beyond the 45 degree line and therefore failing this test. Notwithstanding this, it is unlikely that the gable end would be visible from the inside the neighbour's study and the side elevation of the host property would project no closer to No.110 than what currently exists. As such, it is not considered to result in an overbearing development, with the sense of openness from the study window remaining.
- 7.3.5 In terms of the application site itself, it is considered that adequate amenity space would remain undeveloped to the rear of the property. Furthermore, the site would retain adequate off road car parking (3 spaces) to the front and side of the dwelling.
- 7.3.6 Based on the above, it is considered that the proposal would have an acceptable impact upon residential amenity, thereby complying with Policy GP6 of the local plan.

#### 7.4 *The Fallback Position*

- 7.4.1 The application site benefits from householder permitted development rights. Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) allows for roof alterations and extensions to take place to a dwellinghouse without the need to gain formal planning permission, subject to limitations. It is considered that the proposed works (hip to gable extension and dormer window), with the exception of the side facing window on the gable end would be permitted development. Should the side facing be obscurely glazed and non opening it would also constitute permitted development.

## 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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a

requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

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 Given the nature and extent of the proposed works as well as the fallback position present, it is considered that the development would have an acceptable impact on the visual amenities and character of the area, would not be detrimental to local residential amenity, and would have an acceptable impact on highway safety by maintaining adequate off street car parking within the confines of the site. As such, the proposed development is in accordance with the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

**10. RECOMMENDATION**

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

Site Location Plan, received by the Local Planning Authority on 19/04/2022

Proposed Elevations and Floor Plans (Drawing No. 1106(21)21), received by the Local Planning Authority on 13/04/2022.

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 This decision relates to the following plans: Site Location Plan, Existing Elevations and Floor Plans and Proposed Elevations and Floor Plans.

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

03 The Council's Supplementary Planning Guidance - House Extensions and Domestic Outbuildings (Adopted January 2020) was adopted following consultation and is relevant to the determination of this application.

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

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9.

#### **APPLICATION DETAILS**

**No:** 22/0408      **Ward:** Stow Hill

**Type:** Full Application

**Expiry Date:** 22nd June 2022

**Applicant:** Loft Co

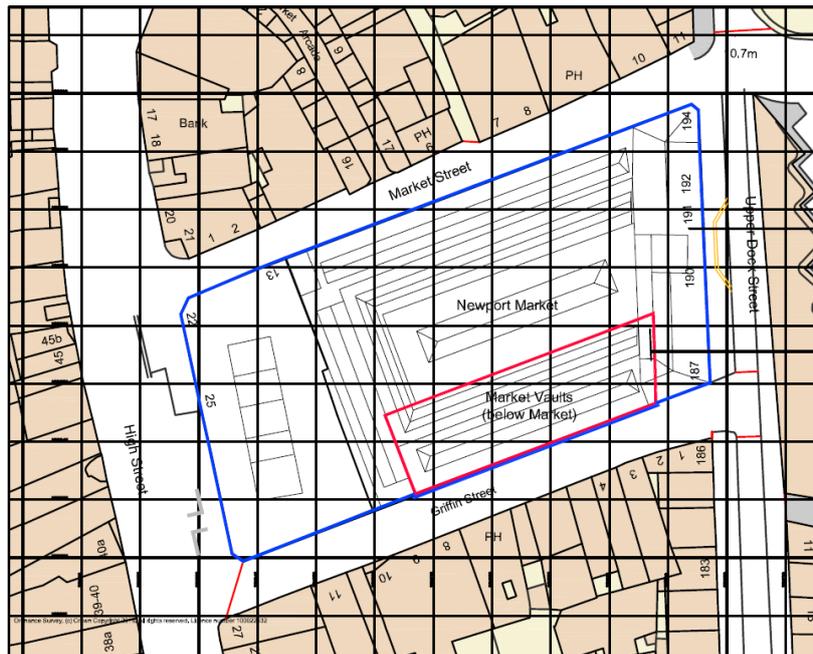
**Site:** *Units Known As Vaults Under Newport Provisions Market High Street Newport South Wales*

**Proposal:** ***CHANGE OF USE OF NEWPORT MARKET VAULTS FROM B8 STORAGE TO USES A1, A3, B1, D1, D2, INCLUDING EXTERNAL ALTERATIONS TO THE GRIFFIN STREET ELEVATION***

**Recommendation:** GRANTED WITH CONDITIONS

#### **1. INTRODUCTION**

- 1.1 This application seeks to change the use of the Newport Market vaults from a B8 storage uses to Use Classes A1 (retail), A3 (hot food and drink), B1 (offices), D1 (non-residential institutions) and D2 (leisure). External alterations to the Griffin Street elevation are also proposed.



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

## 2. RELEVANT SITE HISTORY

02/0828	REPLACEMENT OF ROOF GLAZING AND MARKET GABLE END CURTAIN WALL GLAZING	Granted conditions	with
02/0829	LISTED BUILDING CONSENT FOR REPLACEMENT OF ROOF GLAZING AND REPLACEMENT OF MARKET END CURTAIN WALL GLAZING	Granted conditions	with
20/0734	REFURBISHMENT OF NEWPORT MARKET TO COMPRISE MARKET STALLS, FOOD AND DRINK COURT AND FLEXIBLE WORKSPACE AND RECONFIGURATION OF EXISTING BUILDING TO ACCOMMODATE RESIDENTIAL FLATS AND LEISURE USES, SERVICING ARRANGEMENTS AND ASSOCIATED WORKS	Granted conditions	with
20/0735	LISTED BUILDING CONSENT FOR REFURBISHMENT OF NEWPORT MARKET TO COMPRISE MARKET STALLS, FOOD AND DRINK COURT AND FLEXIBLE WORKSPACE AND RECONFIGURATION OF EXISTING BUILDING TO ACCOMMODATE RESIDENTIAL FLATS AND LEISURE USES, SERVICING ARRANGEMENTS AND ASSOCIATED WORKS	Granted conditions	with
22/0133	PROVISION OF COVERED SEATING AREA TO HIGH STREET FRONTAGE OF MARKET AND SEATING TO UPPER DOCK STREET FRONTAGE OF MARKET	Granted conditions	with
22/0135	PROPOSED CHANGE OF USE OF MEZZANINE FLOOR FROM SOLELY B1 OFFICE SPACE TO A MIXED USE SPACE COMPRISING USE CLASSES A1, A3, B1, D1 AND D2	Granted conditions	with

### 3. POLICY CONTEXT

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

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

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

Policy **CE7 Conservation Areas** sets out the criteria that development proposals within or adjacent to the conservation area must comply with in order to preserve or enhance the conservation area.

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

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

### 4. CONSULTATIONS

4.1 None

### 5. INTERNAL COUNCIL ADVICE

5.1 HISTORIC BUILDINGS CONSERVATION OFFICER: No objection in principle to the change of use of the vaults, recommends a condition to agree details of the roller shutter on Griffin Street elevation.

5.2 HEAD OF LAW AND REGULATION (ENV. HEALTH): No response.

5.3 HEAD OF CITY SERVICES (HIGHWAYS): The proposed works to the existing openings to Griffin Street referred to in notes 17, 21 and 23 on drawing 2536\_AG(05)03 rev P9 are acceptable as no outward opening windows are shown.

5.3.1 The proposed uses would be subject to the same service time restrictions as the market itself.

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

5.4 REGENERATION MANAGER: No response.

## **6. REPRESENTATIONS**

6.1 NEIGHBOURS: All neighbours sharing a common boundary and opposite the application site were consulted (150 properties), a site notice was posted and a press article published in the South Wales Argus. Two representations received, raising the following:

- With the lift shafts being removed to create toilets, what access if any will there be for disabled people especially wheelchair user?
- It would be fantastic to go down underneath to see the history and shops.

## **7. ASSESSMENT**

7.1 This application relates to the market vaults which lies beneath the main Market hall and were historically used for the intake and storage of goods linked to the stalls above. The vaults have not been used for some time. The Market is a grade II listed building, which is located in the Town Centre Conservation Area. A Listed Building Consent application (reference 22/0409) is also under consideration.

7.2 The proposals seek to bring the vaults back into use as part of the overall leisure offer of the Market. The Vaults would be publicly accessible and visible for the first time. The applicant refers to uses such as a bar, personal services such as a tattoo parlour or entertainment such as gaming, but overall the proposed uses include A1, A3, B1, D1 and D2. These range of uses are the same as those approved on the mezzanine floor, under permission 22/0133.

7.3 The Market is located within the City Centre Shopping Area. Policy R4 states that proposals for non-retail uses in Newport City Centre outside the designated primary and secondary shopping frontage areas will be permitted provided that:

- i) the proposed development would not adversely affect local residential amenity, either in its own right or cumulatively with other uses;
- ii) any anticipated environmental disturbance can be effectively mitigated through the use of planning conditions or noise abatement zone controls;
- iii) the development is accessible in terms of public transport provision, and associated pedestrian movement following operating hours will not be directed through residential areas.

### **7.4 Neighbouring amenity**

7.4.1 The Market is located in the city centre which is a predominantly commercial area. In close proximity to the Market there are a range of existing uses, including licenced establishments and food and drink outlets, many of which have late trading hours. In addition to these commercial uses there are residential properties, mainly on the upper floors of buildings close to the Market. A number of High Street and Griffin Street properties have this mixed use occupancy. Residential occupiers of these upper floor properties already reasonably expect levels of noise and disturbance, which are common place in areas where there is a nighttime economy.

7.4.2 The mix of uses proposed have already been agreed elsewhere within the Market. Notably, the recent permission for the mezzanine floor and also outdoor seating associated with A1/A3 units along the High Street and Upper Dock Street frontages.

7.4.3 As the vaults are within the basement level of the building and given the other range of uses within the Market and the commercial/late night uses in the surrounding area, it is considered that the proposed uses would not result in any additional harm to neighbouring amenity.

### **7.5 Highways and accessibility**

7.5.1 The Market is within the city centre, which is parking zone 1. In accordance with the Parking Standards SPG no non-operational parking is required. Servicing of the uses would take place in the same way that other uses in the Market operate, i.e. street side, between the hours of 6am and 10am. The Councils Highways Officer has no objection to the proposals on this basis.

### **7.6 Heritage impact**

7.6.1 The Councils Historic Buildings Conservation Officer has no objection to the principle of the change of use. There is a corresponding Listed Building Consent (22/0409) which is currently under consideration. That application considers the internal alterations as well as the change of use.

7.6.2 The external alterations associated with this application are limited. It is proposed to refurbish and redecorate ironwork within existing low level vault openings and install new services, within existing infills, which would be surrounded by reinstated brickwork, following installation. It is also proposed to replace an existing roller shutter, which covers a chute to the vaults. Limited detail of this shutter has been provided and the Historic Buildings Conservation Officer recommends a condition to secure this. It is also proposed to install a gas flue, no details of this has been provided and a further condition is recommended to secure this.

7.6.3 Overall, the proposed change of use is considered to preserve the special historic interests of the building and the character and appearance of the conservation area.

## 7.7 **Other matters**

7.7.1 A representation has been made regarding the loss of the lift shafts and access options for disabled people. The submitted proposed floor plan and a document providing the scope of works for each room within the vaults details that it is proposed to reinstate a platform lift in the location of the original (removed) Goods Lift. A disabled refuge point would be provided at basement level to the side of the proposed lift. It is noted that this platform lift would need to satisfy the requirements of Building Regulations.

## 7.8 **Summary**

7.8.1 It is considered that the proposed uses of the vaults allows an opportunity for public appreciation of the historic layout and former use of these rarely seen vaults. The uses would allow the vaults to be used flexibly, allowing greater opportunities to enhance the overall offer of the Market. It is considered that these range of uses would not cause any additional harm to neighbouring amenity of nearby occupiers; and the uses, along with the Market as a whole are highly accessible from a range of sustainable travel modes.

## 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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

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

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

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

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

**9. CONCLUSION**

9.1 The proposed change of use is considered acceptable and in accordance with policies SP1, SP9, SP12, SP18, GP2, GP4, GP7, CE7, R1 and R4 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

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

**10. RECOMMENDATION**

**GRANTED WITH CONDITIONS**

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

2526 NMKT – AG (00) 03 P0	- Site Location Plans - Vaults
2536 NMKT – AG (04) 27 P6	- Proposed Market Vaults Layout
2536_NMKT - AG( 04) 28 P2	- Proposed Market Vaults Layout
2536 NMKT – AP (04) 09	- Market Vaults Significance Plan
2536 NMKT – AG (05)13 P1	- Proposed Elevation - Griffin Street Vaults
2536 NMKT – AG (06) 20 P4	- Proposed Market Vaults Section and Elevation
2536 NMKT – AG (06) 21 P2	- Proposed Market Vaults Detailed Elevations
2536 NMKT – AG (06) 22 P0	- Market Vaults Sections Details 2
2536 NMKT – AG (09) 04 P0	- Existing and Proposed Site Plan -Vaults

Document titled "Scope of Works Proposed Market Vaults"

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

***Prior to installation conditions***

02 Notwithstanding the approved plans, prior to their installation details of the roller shutter and gas flue on the Griffin Street elevation shall be submitted to and approved in writing by the Local Planning Authority. The roller shutter and gas flue shall be installed in accordance with the approved details.

Reasons: In the interests of safeguarding the special character of the Listed Building, and to protect the character and appearance of the Town Centre Conservation Area, in accordance with policies SP9 and CE7 of the Newport Local Development Plan.

***NOTE TO APPLICANT***

01 This decision also relates to: an email from Loft Co dated 23<sup>rd</sup> May 2022 and Heritage Impact Statement (Ellis Williams, April 2022).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, SP12, SP18, GP2, GP4, GP7, CE7, R1 and R4 were relevant to the determination of this application.

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

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## **1. LATE REPRESENTATIONS**

- 1.1 NATURAL RESOURCES WALES: The proposal seeks to maintain a less vulnerable use as described in TAN15. TAN15 does not specifically guide decision makers on how these proposals should be assessed. Paragraph 11.20 of the TAN states that in instances where change of uses could result in a change from low to high vulnerability, the consequences of flooding may be unacceptable and in these circumstances an FCA will be required. It is silent on proposals resulting in no change.
- 1.1.1 NRW internal guidance covers this scenario. It guides us to provide the decision maker a 'no objection' response as there is no increase in vulnerability. Therefore we would have no objections with this proposal.
- 1.1.2 We would advise that the applicant/developer is made aware of the risk of flooding and recommend they consider incorporating flood resistance/resilience measures into the design/construction of the scheme. These could include flood barriers on doors and access points, implementation of suitable flood proofing measures to the internal fabric of the basement floor and locating electrical sockets/components at a higher level above possible flood levels. We refer to our [website](#) for further advice and guidance is available. Additional guidance including the leaflet "Prepare your Property for flooding" can be found [here](#).

## **2. OFFICER RESPONSE TO LATE REPRESENTATIONS**

- 2.1 The application site is currently located in flood Zone B, as defined by the Development Advice Maps (DAM). However, Welsh Government (WG) and Natural Resources Wales (NRW) have confirmed that these maps are out of date. The more recent Flood Map for Planning (FMfP) is the best available spatial information in respect of flood risk. The FMfP shows Newport Market to be partly within Flood Zone 3, which means there is a combined 1% risk of flooding from rivers and the sea including climate change.
- 2.2 The Market vaults currently have a B8 storage use, which is a less vulnerable use in terms of flood risk. TAN 15 advises that the proposed uses would also be less vulnerable. As set out above Natural Resources Wales advise that in scenarios where there is no increase in vulnerability, they would not have an objection to the proposal. They advise that the applicant should be made aware of the risk of flooding and to incorporate flood resistance/resilience measures. An information is recommended to alert the applicant to this.

## **3. OFFICER RECOMMENDATION**

- 3.1 It is recommended that planning permission is granted with conditions as set out in the Committee Report, and subject to the additional informative set out below:
- 3.2 The application site is located in Flood Zone 3 (Flood Map for Planning). The applicant is advised to consider incorporating flood resistance/resilience measures into the design/construction of the scheme. If these measures affect the character of the building, then Listed Building Consent may be required. You are advised to contact the Councils Historic Buildings Conservation Officer for further advice.

