

Delegated Decision Report

Application No:	24/0694	Statutory Period Expires:	7th March 2025
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Site:	<i>The Old Dairy Rudry Street Newport NP19 7AN</i>		
Proposal:	CHANGE OF USE OF THE TOP FLOOR OF THE BUILDING TO MIXED USE OFFICE, PRIVATE PERSONAL TRAINING STUDIO, 1 THERAPY ROOM AND 1 PODCAST STUDIO		
Applicant:	<i>C Erskine</i>		
Type:	Full	Ward:	St Julians
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site is located within the urban boundary within a predominantly residential area. The proposals relate to the first floor of what is a large, commercial building. The applicant advises that the first floor of the building is currently vacant and was previously used for window manufacturing and dairy factory prior to that. There is a commercial yard to the north of the building but this does not form part of the application area. The site is neighboured by residential properties to the north beyond the yard and to the south and west on the opposite side of Rudry Street. The site lies within a flood risk area being approximately 50m away from the banks of the River Usk.

3. DESCRIPTION OF DEVELOPMENT

3.1 The applicant advises that the space is to be used by two distinct but complimentary businesses specialising in online fitness coaching, nutrition coaching and 1-2-1 personal training. The primary purpose of the development is to provide office space for these businesses to conduct their online coaching operations, with additional facilities for in-person consultations and one-to-one personal training sessions. The proposals will also include the conversion of part of the first floor of the building into specialised rooms, including a sports massage room and a podcast studio. It is stated that these facilities will be used primarily to enhance the services offered by the businesses to their clients.

3.2 The proposed floor plan shows a large personal training studio with a further smaller fitness room, a kitchen, massage room and two offices. There is a small mezzanine area which is to be used for storage only having a low ceiling height. No external alterations are proposed.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
90/0145	USE OF PREMISES FOR THE MANUFACTURE OF WINDOWS	REQUIRES PLANNING PERMISSION	23.03.1990
90/0575	CHANGE OF USE OF TO MANUFACTURE AND ASSEMBLY OF UPVC WINDOWS	GRANTED WITH CONDITIONS	6.07.1990
20/0204	CHANGE OF USE OF UPVC MANUFACTURING UNIT TO CAR DEALERSHIP (SUI GENERIS)	APPEAL DISMISSED	27.10.2020

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5. PLANNING POLICY

5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

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

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

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

Policy 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 SP19 Assessment of Retail Need sets out the retail hierarchy for where retail development should be located. 1. Newport City Centre; 2. A Defined District Centre; 3. Local Centres; 4. Out of Centre

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 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 EM3 Alternative Uses of Employment Land protects existing employment sites against development unless it can be demonstrated that the site has been marketed

unsuccessfully for 12 months; there remains a sufficient range and choice of employment land to meet LDP requirements and local demand; there is no adverse impact on existing or allocated employment sites; and the proposal has no adverse impact on amenity or the environment.

5.4 SUPPLEMENTARY PLANNING GUIDANCE

PARKING
SUSTAINABLE TRAVEL
WASTE STORAGE AND COLLECTION
WILDLIFE AND DEVELOPMENT

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales: We have no objection to the proposed development as submitted and provide the following advice.

Our Flood Risk Map confirms the application site lies entirely within Zone C1 of the Development Advice Maps (DAM) as contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 3 Sea.

Given there is no change in vulnerability and the development is on the first floor of the building, 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. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels.

6.2 Local Highways Authority: Parking for this type of facility is based on user numbers, we would therefore request information relating to numbers of people on site for various activities and peak usage. In addition, it is not clear if there is any parking space available within the site and what other uses are sharing the space.

We would also request information relating to cycle parking provision, for the site.

6.3 Public Protection Manager: To help us assess the application we require further information in regard to what type of training studio it will be, whether this is class room based or one requiring equipment. The information will help us fully assess the application.

6.4 Dwr Cymru – Welsh Water: We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Condition

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.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 24TH October 2024, Site Notice was put up on 1st November 2024.

7.1 NEIGHBOURS: No responses have been received.

8. ASSESSMENT

8.1 Principle of Development:

The application site is located within the urban boundary wherein the principle of development is deemed to be acceptable subject to compliance with the relevant policies contained within the Development Plan. Policy SP19 of the LDP states that retail and associated uses best located in a city centre will be subject to an assessment of need if not within a defined centre, and application of the sequential test if not within the city centre. The proposals are for leisure type uses and are therefore considered to be best located within a centre. Planning Policy Wales edition 12 does, however, state as follows:

Needs tests only apply to retail uses and do not apply to other uses which are complementary to town and city centres (paragraph 4.3.13)

It confirms leisure uses falling within class D2 for example, are complementary to defined centre uses but do not require a needs test. Notwithstanding, the applicant has submitted a statement in attempt to address the policy requirements. The statement explains that there are several reasons that the application site has been chosen. These include the following:

- 1. Proximity to the City Centre: While not directly within the defined City Centre, the property is close enough to benefit from the amenities and connectivity offered by the City Centre without some of the associated challenges, such as high foot traffic congestion and lack of parking. It is also within a short walking distance of the city's bus station making it easy for people to access using public transport.*
- 2. Location of the property: There are already several facilities within the city centre, e.g. the council's large Station Gym and Pure gym. There are also other private training facilities located on the other side of Newport such as near Spytty and near Somerton. However, there is nothing similar covering this side of the City. We are also aware that previously, the area was served by Bodymasters Gymnasium on the corner at Clarence Plane and given this is no longer a gym, there is room for us as a private personal training facility.*
- 3. Accessibility & parking: The property is in close proximity to a multi-storey car park, ensuring convenient access for clients and staff who may travel by car. Additionally, the location is not on or near a main road, which reduces the challenges of heavy traffic and increases safety for clients accessing the site, particularly for early morning or late evening appointments. We have off street parking for some cars located at the front and at the back of the property.*
- 4. Safety & client convenience: The site's location in a residential area provides a safer and more welcoming environment for clients compared to busier commercial areas. This is particularly important for a personal training studio, where client comfort and security are essential to the success of the business.*
- 5. Suitability for dual use: The property offers ample space for both a personal training studio and office use. This is vital for our business operations, as a significant portion of our work involves online fitness coaching. This dual functionality would be difficult to achieve in smaller units often found in City Centre or District Centre locations.*
- 6. Sustainability & community benefit: The location of the property promotes sustainability by reducing the need for clients to travel longer distances to access personal training services.*

By situating the studio within a residential area, we are meeting local demand and encouraging physical activity within the community. within a short walking distance of the city's bus station making it easy for people to access using public transport.

7. *Economic & regenerative impact: By utilising a property outside defined centres, we contribute to the economic activity of the surrounding area without detracting from the vitality of the City Centre or other defined centres. This aligns with the broader goals of the Local Development Plan to ensure sustainable and balanced development across Newport.*
8. *Affordability: Affordability was a significant consideration in selecting this property. The rental costs of properties within defined centres, particularly in the City Centre, are often significantly higher and not viable for a small business like ours. This property aligns with our financial means, enabling us to establish and sustainably grow our business while providing an affordable service to our clients.*
9. *Lack of suitable alternative sites: Through our investigations, we have found a lack of alternative sites within the defined areas that meet the specific needs of our business. Specifically:*
 - *City Centre: Available units are either too large, located within flood zones, or unsuitable for conversion into a private personal training studio due to layout constraints.*
 - *Caerleon Road District Centre: Limited availability of properties that offer the required size and functionality for both studio and office use.*
 - *Corporation Road District Centre and Clarence Place Local Centre: Properties tend to be retail-focused or unsuitable for conversion to meet the privacy and noise considerations of a fitness studio*

8.2 Although in terms of addressing the relevant policies the statement is limited, it does provide some information about why alternative sites within defined centres were ruled out. Some of the reasoning is contradictory such as being located within a flood risk area, as the application site itself is located within a flood risk area. Whilst the statement lacks detail and has not provided details of the specific alternative units that were considered, of particular relevance is the dismissal of units as they were either unsuitable for conversion or not of the required size. The main thrust of the policy is to preserve the vitality and viability of the city and district centres and in the interests of sustainability. Whilst the unit is not located within a defined centre, it is located within the urban boundary within walking distance of a public car park and within walking distance of public transport facilities. It has previously been occupied by industrial type uses and the applicants have correctly pointed out that existing gym facilities are located within the city centre and some of these are of greater scale than proposed and operated by national companies. The limited scale, previous site use, current vacancy, localised focus of the new enterprise and online programme are factors that are considered to weigh heavily in favour of the proposals. Having regard to the information provided and the relatively small scale of the development at approximately 170m², on balance the proposals are considered to be acceptable in this regard.

8.2 Residential Amenity:

Given the site's location within a residential area, potential impact on neighbouring amenity is a key consideration. Leisure type uses such as this can result in noise and disturbance from the use of heavy weights being dropped on the gym floor and also from amplified music and instructions given during classes. The applicant advises that as a private personal training studio with offices, music levels will be controlled, and they will be using a portable speaker as opposed to having a sound system installed. The gym floor is to be fitted with sound absorbent material. No group exercise classes are proposed and training will be on a one-to-one basis.

8.3 The building has previously been used as a dairy factory and a window manufacturing place (B1). Both uses would have resulted in associated noise and disturbance to the

surrounding residential dwellings. Whilst the building is located within a predominantly residential area, it is also adjacent to a scaffolding site. This use will involve loading and unloading of vehicles in the morning and into the early evening. Much of the noise created by the proposed use will be contained by the building envelope and first floor openings are in the front and rear elevations of the building only which will help to reduce noise leakage. Furthermore, Environmental Health officers have powers to deal with statutory noise nuisance, should they occur.

- 8.4 In terms of opening hours, these are proposed as Monday - Friday 6am - 8pm and Saturdays and Sundays 7am - 7pm (although this will be subject to whether 1-2-1 sessions are booked at these times). Given the close proximity of residential dwellings to the site, the use of the premises from 6am and the associated comings and goings of staff and facility users early in the morning, then use of the premises from 6am is not supported. The LPA considers the following hours which are deemed as daytime, to be acceptable and the applicant has subsequently agreed:

7am to 9pm Monday to Friday

7am to 7pm on Saturdays

9am to 7pm on Sundays

- 8.5 Given the intended use of the building from 7am it is considered necessary to impose a condition prohibiting the use of amplified music before 8am in the interests of residential amenity. A condition prohibiting group exercise classes is also considered justified in the interests of amenity and parking.

- 8.6 On balance, having regard to the former commercial uses that the building has accommodated, the nature of the proposed use and the limited size of the facility, the proposals are considered to be acceptable in terms of residential amenity subject to the above hours of use to be controlled by condition. Furthermore, the re-use of the vacant first floor of the property and occupation of the building is welcomed and is likely to deter opportunities for crime and disorder.

8.7 **Movement:**

The Council's Highways officer has requested further information in order to establish the likely parking demand for the facility based on user numbers. It is also queried whether there is any parking space available within the site and what other uses are sharing the space.

- 8.8 The applicant has advised that initially there will be two personal trainers working at the property, working with 1-2-1 clients at the private personal training studio. It is stated that whilst they do intend to hire more personal trainers, there is a maximum capacity of 4-5 PT's to use the building, therefore at any given time, there will be no more than 10 people on site.

- 8.9 As noted above, the upper floor of the building is currently vacant. However, as indicated by the planning history it has previously been used as a window manufacturing company with an associated parking demand. The site is located within Parking Zone 4 and having an area of less than 235m² the associated parking demand in accordance with the Council's Parking Standards is one van space and two parking spaces. The parking requirement for fitness clubs in Zone 4 is 1 commercial vehicle space and 1 space per two facility users which based on the maximum predicted numbers would be 2.5 spaces. Therefore, the parking demand associated with the previous use and the use proposed is comparable. Whilst this does not take account of the other intended 'complimentary' uses at the premises, given the size of the unit it is self-limiting and is considered unlikely to result in a significantly altered parking demand compared with the fall-back use. Furthermore, as previously noted the site is located within a sustainable location within walking distance of a public carpark. The applicant has referred to the availability of parking to the front and rear

of the property. However, the space referred to at the front of the property is on-street and therefore available for use by members of the public/neighbouring residents and is not restricted to users of the facility. Whilst there is off-street parking at the rear of the property, this space is shared with the ground floor users of the building and the adjacent building and therefore, this too is not for the sole use of the facility and a recent site visit showed there was only very limited space available within this area. Notwithstanding, as previously noted, given the comparable nature of the fall-back use and the proposed use, together with the sustainable nature of the site, the proposals are not considered to result in a demonstrably worse impact in terms of parking.

8.10 The Council's Highways officer has also requested information relating to cycle parking provision, for the site. No such information has been provided and given the absence of any associated outside space it is likely that there is limited scope to provide this. This is no different to the fall-back use and so in this regard to the proposals are not considered to result in any worsening.

8.11 **Flooding:**

Natural Resources Wales confirms the application site lies entirely within Zone C1 of the Development Advice Maps (DAM) as contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 3 Sea. NRW advise that given there is no change in vulnerability and the development is on the first floor of the building, they 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.

8.12 The proposals are not considered to result in an adverse flood risk impact.

8.13 **Biodiversity:**

The proposals do not include any additional green infrastructure. However, given the scale of the proposals there is very limited scope for the provision of additional landscaping, however, the installation of bird or bat boxes on the building is feasible and a condition requiring this can be imposed.

8.14 **Other Matters**

Dwr Cymru – Welsh Water have requested a condition relating to surface water drainage. However, given that the proposals do not include any operational development, such a condition is not considered warranted.

9. **OTHER CONSIDERATIONS**

9.1 ***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.

9.2 ***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.

9.3 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.

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

9.5 ***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.

9.6 ***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.

10. CONCLUSION

10.1 Having regard to the scale of the building and its sustainable nature, the proposals are considered to be acceptable in terms of National retail policy and the Council's retail (and other associated uses) policies. Furthermore, having regard to the fall-back use of the site, and the hours of uses noted above, the proposals are not considered to result in an adverse parking impact and subject to limitation of opening hours and the playing of amplified music and the use itself, it is not considered that the proposals would result in an adverse impact to neighbouring amenity.

10.2 The application is granted subject to the following conditions.

11. DECISION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: FP-1A.

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- first use conditions

02 Prior to the first occupation of the development as hereby approved, biodiversity enhancement shall be implemented in accordance with the details that shall have first been submitted to the and written approval received from the Local Planning Authority. Thereafter the biodiversity enhancements shall be permanently retained.

Reason: In the interest of protected species, in accordance with Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

General Conditions

03 Noise emitted from plant and equipment located at the site shall be controlled such that the rating level, calculated in accordance with BS4142:2014+A1:2019, does not exceed a

level of 5dB below the existing background level, with no tonal element to the plant, measured at the nearest noise sensitive property.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policies GP7 and R7 of the NLDP.

04 The hours of opening of the premises as hereby approved shall be restricted to 0700 to 2100 hours Mondays to Fridays and between 0700 to 1900 hours on Saturdays and 0900 to 1900 hours on Sundays, Bank and Public Holidays. Outside of these times the premises shall be closed to the public.

Reason: In the interests of the amenities of occupiers of neighbouring properties and in accordance with Policy GP2 of the NLDP.

05 There shall be no amplified music at the premises before 8am or after 7.30pm on any day.

Reason: In the interests of the amenities of occupiers of neighbouring properties and in accordance with Policy GP2 of the NLDP.

06 The use of the premises as hereby approved shall be used by a maximum of five personal trainers for one to one personal exercise training with associated office, therapy and podcast studio at any on time and shall at no time be used for group exercise classes.

Reason: In the interests of the amenities of occupiers of neighbouring properties and to parking in accordance with Policies GP2 and GP4 of the NLDP.

NOTE TO APPLICANT

01 This decision relates to plan Nos: FP-1A, site location plan.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP3, SP19, GP2, GP4, GP5, GP7 and EM3 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.