

Notice of Decision



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TOWN AND COUNTRY PLANNING ACT 1990 [as amended]

Application No: **17/0050**

Application Type: **Full**

Proposal: **NEW SHOPFRONT, CONVERSION OF FIRST FLOOR OFFICES AND ROOFSPACE TO CREATE 8NO. FLATS, RENOVATION OF EXISTING CAR PARK, EXTERNAL SHOP LOADING AREA, SECURITY BOUNDARY FENCING AND WALLS**

Site/Location: **170-172, Commercial Road, Newport, NP20 2PL**

Decision Date: **06-Apr-2017**

In pursuance of its powers under the above Act the Council of the City of Newport notifies you of its decision in respect of your application, registered by them on 24-Jan-2017. The application has been:-

Granted with Conditions

STANDARD CONDITIONS

The development must begin not later than the expiration of **FIVE YEARS** from the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

ADDITIONAL CONDITIONS

1. The development shall be implemented in accordance with the following plans and documents: AW05-2/P/01, 02, 03d, 04c, 05b, 06b, 07b, 08b, 09b, 10b, 11, Bat Survey Report (Acer Ecology, September 2015), Bat Survey and Updated Bat Survey Report (Acer Ecology, March 2017), Transport Statement (Traffic and Transport Planning, September 2016) and Noise Impact Assessment (Acoustic and Noise Limited, 13 January 2017).
Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based
2. Pre- commencement conditions

No development shall commence until details/samples of materials and finishes to be used on the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out using the approved materials.
Reason: To ensure that the development is completed in a manner compatible with its surroundings.
3. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include:
 - the steps and procedures that will be implemented to minimise the creation and impact of noise, air quality, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. Measures to minimise the impact on air quality should include HGV routes avoiding Air Quality Management Areas and avoid vehicle idling;
 - wheel washing facilities and;
 - contractor parking and compound.Development shall take place in accordance with the approved Construction Environmental Management Plan.
Reason: In the interests of residential amenity and highway safety.
4. Before the development, other than demolition, is commenced, written approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs). The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. 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.

5. Pre – construction conditions

Prior to the installation of the roller shutter to the front of the retail unit full details of its design shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of visual amenity.

6. Prior to their construction full details of the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

7. Pre –occupation conditions

Prior to the occupation of flats 1, 5, 6 and 8 standard thermal glazing shall be installed for the windows serving the bedrooms of flats 1 and 5; and the lounge/dining/kitchens of flats 6 and 8 (as shown in drawing AW05-2/P/05b) in accordance with the noise impact assessment (Acoustic and Noise Limited, January 2017) and details first submitted to and approved in writing by the Local Planning Authority. The details shall provide laboratory test data to show the windows (including frames/seals) meet the octave band sound reduction performance set out in the noise impact assessment. The windows shall be retained as such thereafter.

Reason: In the interests of residential amenity.

8. Prior to the occupation of flats 1, 5, 6 and 8 (as shown in drawing AW05-2/P/05b) details of mechanical ventilation for the bedrooms of these flats shall first be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of residential amenity.

9. Prior to the beneficial occupation of any part of the development hereby approved, the car parking areas hereby approved for that development shall be provided and marked out on site in accordance with the approved plans; they shall be hard paved and constructed of porous or permeable materials; and retained as such thereafter.

Reason: To ensure the provision of adequate parking and to prevent surface water runoff in the interest of highway safety.

10. Prior to the first beneficial occupation of any part of the development hereby approved the bin storage shall be provided and be kept available for such use at all times.

Reason: In the interest of visual amenities.

11. General conditions

There shall be no arrival, departure, loading or unloading of vehicles outside of the hours of 07:30 and 18:30 on any day.

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

NOTE TO APPLICANT

The development shall be carried out fully in accordance with the proposals shown in the application and in the plans and particulars accompanying such application as varied and amended by this permission.

This decision notice is issued in respect of Planning Permission only and does not convey any decision which may be required under any other legislation or provisions, such as the Building Regulations. For advice on the requirements of the Building Regulations and allied legislation, and/or whether there is a need for a Building Regulations submission, please contact the Council's Building Control Section on 01633 656656 or email building.control@newport.gov.uk.

The plans have been assessed on the basis of the scale or dimensions stipulated and any statement of 'do not scale' (or similar) has been disregarded.

Where there are conditions which require details to be approved prior to the commencement of development, failure to submit these details prior to commencement of development may result in the permission being invalidated.

The Local Planning Authority has a target to determine Discharge of Condition applications within 8 weeks of receipt of the details, and so you are advised to programme any work accordingly.

1. The development plan covering Newport is the Newport Local Development Plan 2011-2026 (Adopted January 2015). Policies SP13, SP18, GP2, GP4, GP5, GP6, GP7, H4, H8, EM3, T4 and R6 were relevant to the determination of the application.
2. The Newport Parking Standards and Flat Conversions Supplementary Planning Guidance (Adopted August 2015) were relevant to the determination of this application.
3. Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.
4. The applicant is alerted to the consultation advice provided by Natural Resources Wales in their letter dated 16 February 2017 in which they advise that the application site would be at risk of flooding when considering the impacts of climate change over the lifetime of the development. The applicant is advised to undertake a Flood Consequences Assessment to raise awareness and to install flood proofing measures.

5. The amended Wildlife and Countryside Act 1981 protects bird species whilst nesting in the UK. This protection extends to a bird, its nest, eggs, and young until such time as the young have fledged. Vegetation clearance should proceed outside the peak bird-breeding season (generally considered to be March through August inclusive) or within the breeding season only if a pre-clearance survey shows no breeding birds to be present, nesting or commencing nesting within the vegetation to be affected.
6. The applicant is alerted to their responsibilities under the amended Wildlife and Countryside Act 1981 should any bats or their roosts be discovered during any demolition and/or construction works.
7. The applicant is advised to provide nesting opportunities in the design of the proposed residential building in the interests of ecological enhancement.

Signed on behalf of the Council

Newport City Council
Regeneration, Investment and Housing
Civic Centre
NEWPORT
South Wales
NP20 4UR



Keir Duffin
Interim Head of Regeneration, Investment and Housing / Interim Pennaeth Adfywio Buddsoddi a Thai
Cyngor Dinas Casnewydd / Newport City Council

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IMPORTANT! PLEASE READ THE NOTES ON THE REVERSE OF THIS FORM



Notes for Applicants

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Welsh Government

If you are aggrieved by the decision of your Local Planning Authority to refuse an application or to grant it subject to conditions, you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. However, if you are appealing against a decision relating to a householder or minor commercial development the time limit for lodging the appeal is 12 weeks.

Appeals must be made using a form which you can get from the Welsh Government, Planning Inspectorate at Crown Buildings, Cathays Park, Cardiff CF10 3NQ, or online at www.planningportal.gov.uk/pcs

The Welsh Government can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Welsh Government will not consider an appeal if it seems that the Local Planning Authority could not have granted permission for the proposed development or could not have granted it without the condition they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Welsh Government does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by them.

The Choice of Appeal Procedure

The appeal procedures available are:

- a) by written representations which you and the Local Planning Authority make, normally followed by an unaccompanied site inspection
- b) by Hearing, when both parties make oral representations to an Inspector appointed by the Welsh Government. A Hearing is conducted on a less formal basis than a Public Inquiry.
- c) by Public Inquiry which takes the form of a formal hearing by an Inspector appointed by the Welsh Government.

Purchase Notices

If either the Local Planning Authority or the Welsh Government refused planning permission or listed building consent or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the local planning authority in whose area the land is situated.

This Notice will require the Council to purchase the owner's interest in the land in accordance with Part VI of the Town and Country Planning Act 1990. (The Local Planning Authority may accept the notice and proceed to acquire the land; or reject the notice in which case they must refer the notice to the Welsh Government.)