

Delegated Decision Report

Application No:	25/0935	Statutory Period Expires:	28th November 2025
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Site:	<i>Lewis House 4 East Way Road Alexandra Docks Newport NP20 2NP</i>		
Proposal:	<i>PRIOR NOTIFICATION OF DEMOLITION OF 2 NO. VACANT BUILDINGS</i>		
Applicant:	<i>C Hall</i>		
Type:	Demolition	Ward:	Pillgwenlly
Decision:	PRIOR APPROVAL IS NOT REQUIRED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site comprises of 2no. vacant commercial buildings located to the west of East Way Road, within the Port of Newport.

2.2 The first building is known as Lewis House and is a flat roof two storey brick built property with attached unit both previously in commercial use. The second building, known as the Former Glanmair Unit is a vacant single storey industrial unit constructed of a corrugated clad exterior.

2.3 The site has the following designations/allocations;

- Within the Urban Boundary;
- Newport Docks allocated Employment Site (Policy EM2);
- Developed Coastal Zone;
- Flood Zone 3 (Sea);
- Parking Zone 6.

3. DESCRIPTION OF DEVELOPMENT

3.1 This application is submitted seeking Prior Approval for demolition under Part 31 (Demolition of Buildings) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

3.2 The proposed development complies with the limitations and conditions of the aforementioned part of The Order and constitutes permitted development. Planning permission is therefore granted by The Order, subject to the Prior Approval of the Local Planning Authority as to whether details of the method of demolition and any proposed restoration of the site will be required.

3.3 This submission is supported by a Demolition Method Statement and Site Plan and Preliminary Roost Assessment and Activity Survey for Bats. The works will include;

- Safe demolition of Lewis House and adjacent industrial building, using techniques appropriate to their construction type and surroundings, carried out in accordance with all relevant health, safety, and environmental legislation.
- Remove all superstructure and substructure elements, including roofs, walls, floors, basements, foundations, and retaining structures maintaining exclusion zones to account for information provided within works information.
- Delivery of a cleared, level, and safe site following demolition, including removal of foundations, obstructions, and redundant services.
- Segregation, removal, and licensed disposal of all demolition arisings, including any miscellaneous items such as office furniture, shop floor plant, off-site, with provision of waste transfer documents to demonstrate compliance.

- Area to be reinstated with type 1 stone or similar upon completion.

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

- 5.1 Town and Country Planning Act 1990
The Town and Country Planning (General Permitted Development) Order 1995

6. OTHER MATERIAL GUIDANCE/LEGISLATION

- 6.1 Development Management Manual
6.2 Planning Controls Over Demolition (Circular 31/95)
6.3 Letter to Chief Planning Officers – Planning Control Over Demolition 18 April 2011

7. CONSULTATION RESPONSES

- 7.1 Highways: No objection.
- 7.2 Ecology: The Applicant has submitted two Preliminary Roost Assessment and Activity Survey for Bats reports, for the Lewis House and Glanmair Units respectively. I agree with the methodology and conclusions set out in those reports.

No bats were detected using the Glanmair Unit building, but the authors of the report set out a series of precautionary mitigation and biodiversity enhancement measures in sections 6.2.1 to 6.2.3 inclusive. We should use a condition to secure the implementation of these measures.

Lewis House is a confirmed roost for two species of bat, but In accordance with the NRW Approach to Bats and Planning Good Practice Guide 2015, this roost constitutes a 'Low Risk Case'. The standing advice is that we do not need to consult NRW on this application, with the proviso that the recommendations of a bat survey report are implemented.

In this instance, my advice is that the Preliminary Roost Assessment and Activity Survey for Bats report, and in particular its recommendations set out in sections 7.3.1 to 7.3.3 inclusive, is suitable for this purpose. Therefore we should require that all of the avoidance, mitigation and compensation measures set out in sections 7.3.1 to 7.3.3 inclusive are implemented.

An EPS Licence issued by NRW will still be needed to allow this building to be demolished. That licence will be issued subject to a series of conditions, which will include the implementation of the mitigation measures set out in sections 7.3.1 to 7.3.3 inclusive of the bat survey report, together with any other that NRW require.

- 7.3 Landscape: No objection.
- 7.4 Environmental Health: No response.
- 7.5 Senior Scientific Officer: No response.
- 7.6 Natural Resources Wales:

Flood Risk

The prior notification application proposes demolition of 2no. vacant buildings. The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding within Flood Zone 3 – Sea.

Flood Risk Elsewhere

We note that the proposed application is for prior notification of demolition of two buildings within Newport Docks. Given the source of flooding is tidal an assessment of the impacts elsewhere would not be required in this instance.

European Protected Species – Bats

We have reviewed the following reports submitted in support of the application:

- Preliminary Roost Assessment (PRA) and Activity Surveys for Bats, Lewis House – ABP Newport, Report No.: 238-03-19.R3, prepared by ExCAL, dated October 2025.
- Preliminary Roost Assessment (PRA) and Activity Surveys for Bats, Former Glamair Unit ABP Newport, Report No.: 238-03-19.R1, prepared by ExCAL, dated October 2025.

We note that the report for Lewis House has identified that Lewis House is a confirmed non-breeding summer day and night roost for Soprano and Common Pipistrelle bats and that an EPS licence will be revealed.

We note that the report for Former Glamair Unit confirms that no evidence of bats was identified during the PRA and that no further survey effort was recommended.

From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'.

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three tests set out in the Regulations (Please also refer to Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning). Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the test relating to "demonstration of no detriment to the maintenance of the favourable conservation status of European protected species."

As this is a lower risk case for bats, we consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. We recommend that you discuss the need to secure any avoidance or mitigation measures with your internal ecological advisor.

We advise that the works are carried out under licence. We refer you to the Chief Planning Officer's letter dated 1 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

Please note, any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

8. PUBLIC REPRESENTATIONS

- 8.1 In accordance with the requirements of Part 31 of The Town and Country Planning (General Permitted Development) Order 1995 the proposal was advertised by the applicant via a site notice.
- 8.2 No representations have been received by the Local Planning Authority.

8. ASSESSMENT

- 9.1 The proposal for demolition of 2no. existing buildings is permitted development as established by The Order, accordingly the principle of development is established and is therefore not for consideration.
- 9.2 As set out by The Circular (31/95), only in cases where demolition is likely to have a significant impact upon its surroundings should it be necessary to require formal submission for approval.

- 9.3 This submission is accompanied by a Demolition Management Plan which details how the demolition would be undertaken along with the contractor's approach to ensure that the potential risk to the environment is minimised. NRW note that the buildings to be demolished are approximately 110m from the River Usk Special Area of Conservation (SAC) and River Usk Site of Special Scientific Interest (SSSI). NRW do not consider the proposed demolition poses a significant risk given the lack of potential pollution pathways (streams, surface water lines etc). No response from Environmental Health has been received, but from a human health perspective no issues are anticipated given the location of the site.
- 9.4 A Preliminary Bat Roost Assessment and Activity Survey for each of the two buildings has been undertaken and submitted. No bats were detected in the single storey building, however Lewis House is roost for two bat species, but in accordance with the NRW Approach to Bats and Planning Good Practice Guide 2015 this roost constitutes a 'Low Risk Case', as confirmed by the Council's Ecologist and NRW.
- 9.5 Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three tests set out in the Regulations (Please also refer to Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning). As this is a lower risk case for bats, NRW consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range and recommend the need for avoidance or mitigation measures be discussed with the Council's Ecologist.
- 9.6 The Council's Ecologist has advised that all of the avoidance, mitigation and compensation measures set out in sections 7.3.1 to 7.3.3 inclusive are implemented. The LPA cannot secure this via a planning condition, however as an EPS Licence is required from NRW this will include the implementation of these mitigation measures.
- 9.7 The proposal has been considered against the derogation tests as set by the habitat regulations and the Local Planning Authority are satisfied that an EPS Licence would likely be granted by NRW. The derogation tests are:
1. There are no feasible alternative solutions that would be less damaging or avoid damage to the site.
 2. The proposal needs to be carried out for imperative reasons of overriding public interest.
 3. The necessary compensatory measures can be secured.

Taking the tests in turn, the applicant has indicated that the buildings are in poor condition and no longer commercially suitable. As such, they are in need of removal and it is considered that test 1 is therefore satisfied.

In terms of test 2, the application site occupies space on the Newport Docks, which is considered essential infrastructure for Newport, being a major contributor to the city's economy. It is considered that the on going maintenance and improvement of the docks area as a whole is in the public interest and has economic benefit. As such, test 2 is satisfied.

In terms of test 3, it is considered that necessary mitigation and compensatory measures can be secured and an EPS licence is likely to be granted by NRW given the demolition being considered a low risk case with regard to bats. It is considered that this test has been met.

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** In accordance with W/O Circular 31/95 Planning Controls Over Demolition, the Local Planning Authority considers that the proposal is not likely to have a significant impact upon its surroundings. The application is supported by sufficient information to demonstrate that any impact upon protected sites and species within the vicinity of the application site would be adequately protected. Where Prior Approval is not required, the development shall be carried out in accordance with the details submitted with the application.

11. DECISION

PRIOR APPROVAL IS NOT REQUIRED

01 The method of demolition and restoration of the land would have no adverse impact upon local amenity or protected sites or species.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Preliminary Roost Assessment and Activity Survey for Bats - Lewis House; Preliminary Roost Assessment and Activity Survey for Bats - Former

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

03 Warning: An European Protected Species (EPS) Licence is required for this development.

This notice does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european>