

LOCAL DEVELOPMENT ORDER: NEWPORT CITY CENTRE

STATEMENT OF REASONS

1.0 Legislation and policy

- 1.1 Local planning authorities may issue a local development order (LDO) under section 61 (A, B, C and D) of the Town and Country Planning Act 1990, as inserted by section 40(1) of the Planning and Compulsory Purchase Act 2004 and amended by sections 188 and 238 and Schedule 13 of the Planning Act 2008. This power became effective in Wales on 30 April 2012.
- 1.2 The Community Infrastructure Levy Regulations 2010 state that permission granted by a local development order will constitute “planning permission” (regulation 5(3)(a)ii). As a consequence, an LDO may obviate the need to submit a planning application for a certain type of development, but it will not prevent a levy from being charged, when appropriate, under the Community Infrastructure Levy Regulations 2010.
- 1.3 Welsh Government Circular 003/2012 states that an LDO may not grant planning permission for development that would:
- a) Have a significant effect on a European Site or a European Offshore Marine Site (either alone or in combination with other projects) unless the development is connected to, or necessary for, the management of the site;
 - b) Constitute “Schedule 1 development” or “Schedule 2 development” within the Town and Country Planning (Environmental Impact Assessment) Regulations 1999; or
 - c) Affect a listed building.

2.0 Overview

- 2.1 A local planning authority may use a local development order (LDO) to grant blanket planning permission for non-contentious, though not necessarily minor, forms of development in a particular area.
- 2.2 The Newport City Centre Local Development Order (LDO) applies to approximately 21.00 hectares of land, the boundary of which is shown on the map in section 13.0.
- 2.3 The LDO grants *conditional* planning permission for specified uses in basements and in ground- and upper-floor units. It is envisaged that the LDO, in permitting a wide range of compatible uses, will help to increase occupancy levels and commercial activity in Newport city centre.
- 2.4 In order to protect the retail and café functions of the city centre, the LDO permits only certain changes of use in ground-floor units in the primary and secondary shopping areas and the café quarter (all of which are identified on the map in section 13.0). The LDO does not apply to any part of the Friars Walk development.
- 2.5 In order to protect the living conditions of existing and future residents in the city centre, every applicant must submit noise assessments and then satisfy conditions regarding acoustic insulation.
- 2.6 After three years, the LDO will be considered a success if two or more of the following changes have occurred in the city centre:
- The number of vacant ground-floor units has decreased;
 - Average annual footfall has increased;
 - Ten or more vacant units above commercial premises have been brought back into use;

- Ten or more new dwellings have been created through the LDO process.

3.0 Justification for the creation of the LDO

- 3.1 Since the onset of the recession, Newport city centre has experienced a decline in footfall and an increase in the number of vacant ground-floor premises. A survey undertaken in October 2014 revealed that 25% of ground-floor units were unoccupied, while other research has shown that annual footfall has fallen from 11.62 million in 2008 to 8.33 million in 2013. (It is also revealing that, despite reports of an economic recovery, total footfall between January and October 2014 was only 4.33% greater than it was during the corresponding period in 2013.)
- 3.2 For the time being, developers who wish to change the use of a city-centre unit must operate within the parameters of the Town and Country Planning (Use Classes) Order 1987. This means that most changes of use, no matter how desirable, require planning permission from Newport City Council. The practice of allowing a valuable unit to remain empty for up to eight weeks while a planning application is processed is inimical to economic growth. By creating a more permissive planning regime in the city centre, the LDO will simultaneously protect key retail areas, promote new, more diverse commercial activity and encourage developers to convert vacant units into flats. It will, therefore, be consistent with other regeneration projects in the city centre, such as Friars Walk and the Welsh Government's Vibrant and Viable Places programme.

4.0 Lifetime of the LDO

4.1 The Local Development Order (LDO) is active for a period of three years from 21 August 2015. Development that commences while the LDO is in effect may be completed and/or continued after this three-year period. Once the LDO has expired, however, no new changes of use will be allowed under its terms without conventional planning permission. At the end of the three-year period, Newport City Council will assess the impact of the LDO and decide whether to (i) renew the LDO with no revisions, (ii) renew the LDO with new terms and conditions or (iii) revoke the LDO.

5.0 What does the LDO permit?

5.1 The LDO permits the following uses in the specified locations (see next page):

Use class	Primary retail area (unless in flood zone C1 or C2)			Secondary retail area (unless in flood zone C1 or C2)			Café Quarter (unless in flood zone C1 or C2)			Flood zone C1			Flood zone C2			Remainder of LDO area (unless in flood zone C1 or C2)		
	Basement (B)	Ground floor (GF)	Other floors (OF)	B	GF	OF	B	GF	OF	B	GF	OF	B	GF	OF	B	GF	OF
A1	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✗	✓	✓	✓	✓	✓
A2	✓	✗	✓	✓	✗	✓	✓	✗	✓	✗	✓	✓	✗	✓	✓	✓	✓	✓
B1	✓	✗	✓	✓	✗	✓	✓	✗	✓	✗	✓	✓	✗	✓	✓	✓	✓	✓
C1	✓	✗	✓	✓	✗	✓	✓	✗	✓	✗	✗	✓	✗	✗	✗	✓	✓	✓
C3	✗	✗	✓	✗	✗	✓	✗	✗	✓	✗	✗	✓	✗	✗	✗	✗	✗	✓
D1	✓	✗	✓	✓	✗	✓	✓	✗	✓	✗	✗	✓	✗	✗	✗	✓	✓	✓
D2	✓	✗	✓	✓	✗	✓	✓	✗	✓	✗	✗	✓	✗	✗	✗	✓	✓	✓
Other (i)	✓	✗	✓	✓	✗	✓	✓	✗	✓	✗	✓	✓	✗	✓	✓	✓	✓	✓
Other (ii)	✓	✗	✓	✓	✗	✓	✓	✗	✓	✗	✓	✓	✗	✓	✓	✓	✓	✓

Use class	Permitted uses
A1	Shops
A2	Financial and professional services
B1	Offices not within A2 (e.g. R&D, studios, laboratories and high-tech light industry)
C1	Hotels, boarding houses and guest houses
C3	Dwellings (flats and houses only)
D1	Non-residential institutions (<u>Note</u> : LDO excludes clinics, health centres, law courts and consulting rooms)
D2	Assembly and leisure buildings (<u>Note</u> : LDO excludes music/concert halls and centres for simulated warfare)
Other (i)	Playing space for video and/or table-top games
Other (ii)	Art, fashion or photography studios (including those with retail and/or educational elements)

5.2 Notes:

- i) The LDO does not permit any conversion scheme, whether in isolation or in combination with another scheme (regardless of ownership), that would create more than nine new dwellings in a single building.
- ii) The LDO does not apply to any part of Friars Walk.
- iii) The council has excluded A3 (food and drink) uses from the LDO in order to protect the character and appearance of the Town Centre Conservation Area and numerous listed buildings. The addition of fume-extraction equipment to exterior walls can detract from a streetscape, and the council is unwilling to grant blanket planning permission for a use that might, in certain locations, cause material harm to the public interest. It is possible, moreover, that a pre-commencement condition requiring developers to submit full

details of extraction equipment would lead to protracted negotiations, contrary to the intended function of the LDO.

- iv) The council has decided not to permit changes of use in ground-floor units in the primary and secondary retail areas. Policies R2 and R3 of the recently adopted Local Development Plan seek to protect these retail areas, and it would make little sense to introduce an LDO that undermines them. In its annual monitoring report, which is part of the LDP process, the council will monitor the effect of Friars Walk on the primary and secondary retail areas. Far from operating in isolation, regeneration initiatives almost invariably affect neighbouring districts. The unintended consequences of their success can include an increase in vacancy levels and a decline in footfall in established retail areas. Should Newport city centre experience similar difficulties, the council may revise the LDO and permit a greater number of uses in ground-floor units in the primary and secondary retail areas.

6.0 Policy context and expected impact of the Local Development Order

6.1 Newport Local Development Plan 2011 — 2026 (Adopted Plan, January 2015)

6.1.1 This document is likely to be adopted as the local plan for Newport in early 2015.

6.1.2 *Objective 1 — Sustainable Use of Land*

“To ensure that all development makes the most efficient use of natural resources by seeking to locate development in the most sustainable locations, minimise the impact on the environment and make a positive contribution to local communities.”

Expected impact of LDO:

By concentrating commercial uses in the city centre, which is accessible to pedestrians and users of public transport, the LDO will be consistent with efforts to promote sustainable development.

6.1.3 *Objective 2 — Climate Change*

“To ensure that development and land uses in Newport make a positive contribution to minimising, adapting to or mitigating against the causes and impacts of climate change, by incorporating the principles of sustainable design, changes to travel behaviour, managing the risks and consequences of flooding, and improving efficiency in the use of energy, waste and water.”

Expected impact of LDO:

By concentrating commercial uses in the city centre, which is accessible to pedestrians and users of public transport, the LDO will be consistent with efforts to promote sustainable and efficient forms of development.

6.1.4 *Objective 3 — Economic Growth*

“To enable a diverse economy that meets the needs of the people of Newport and those of the wider South East Wales economic region.”

Expected impact of LDO:

The LDO is designed to simplify the process by which a mix of complementary uses may arise in the city centre. It is hoped that a more permissive planning regime will help to increase employment opportunities for local people.

6.1.5 *Objective 4 — Housing Provision*

“To ensure that there is an adequate supply of land for housing the most sustainable locations, and to ensure that the quantity, quality and variety of housing provision meet the needs of the population. Also to foster the creation of places which contribute to local distinctiveness and thriving communities.”

Expected impact of LDO:

A more permissive planning regime in the city centre may well generate additional dwellings. Section 106 and Community Infrastructure Levy contributions will be sought in accordance with current council procedures.

6.1.6 *Objective 5 — Conservation of the Built Environment*

“To ensure that all development or use of land does not adversely affect, and seeks to preserve or enhance, the quality of the historic and built environment.”

Expected impact of LDO:

The LDO does not permit any building operations; therefore, it will have no impact on the appearance of the built environment.

6.1.7 *Objective 7 — Community Facilities and Infrastructure*

“To ensure the provision of appropriate new, and/or enhanced existing, community facilities, and to safeguard existing well-used facilities.”

Expected impact of LDO:

A more permissive planning regime in the city centre may well generate additional community facilities. Existing facilities will be under no obligation to cease or sell their operations.

6.1.8 *Objective 8 — Culture and Accessibility*

“To ensure that development proposals and uses are socially and physically accessible to all, taking account of the needs of all individuals.”

Expected impact of LDO:

The LDO is designed to encourage a mix of complementary uses. In this sense, there is no reason to believe that the scheme will lead to any form of social or physical exclusion.

6.1.9 *Objective 9 — Health and Well-being*

“To provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.”

Expected impact of LDO:

It is hoped that the LDO, by concentrating popular uses in an accessible and well-policed city centre, will promote walking, cycling and a sense of common interest.

6.1.10 SPI (*Sustainability*)

“Proposals will be required to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary. They will be assessed as to their potential contribution to:

- i) The efficient use of land;
- ii) The reuse of previously developed land and empty properties in preference to greenfield sites;
- iii) Providing integrated transportation systems, as well as encouraging the co-location of housing and other uses, including employment, which together will minimise the overall need to travel, reduce car usage and encourage a modal shift to more sustainable modes of transport;
- iv) Reducing energy consumption, increasing energy efficiency and the use of low and zero carbon energy sources;
- v) The minimisation, re-use and recycling of waste;
- vi) Minimising the risk of and from flood risk, sea level rise and the impact of climate change;
- vii) Improving facilities, services and overall social and environmental equality of existing and future communities;
- viii) Encouraging economic diversification and in particular improving the vitality and viability of the city centre and district centres;
- ix) Conserving, enhancing and linking green infrastructure, protecting and enhancing the built and natural environment;

- x) Conserving and ensuring the efficient use of resources such as water and minerals.”

Expected impact of LDO:

By concentrating commercial uses in the city centre, which is accessible to pedestrians and users of public transport, the LDO will be consistent with efforts to promote sustainable development.

6.1.11 *SP2 (Health)*

“Development proposals should seek to maximise their positive contribution to health and well-being, and minimise any negative effects by being located in the most sustainable locations, close to public transport links and providing efficient walking cycling routes and other green infrastructure as part of development schemes.”

Expected impact of LDO:

It is hoped that the LDO, by concentrating popular uses in an accessible and well-policed city centre, will promote walking, cycling and a sense of common interest.

6.1.12 *SP3 (Flood Risk)*

“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 detailed 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.”

Expected impact of the LDO:

Situation: Several buildings in the LDO area are situated in a C1 flood zone. No buildings in the LDO area are situated in a C2 flood zone.

Impact: No impact. No change in use to a highly vulnerable land use is permitted in any basement or ground-floor unit in Development Advice Map Zone C1 or in any unit in Development Advice Map Zone C2. A change in use to a less vulnerable land use in a ground-floor unit in Development Advice Map Zone C (comprising flood zones C1 and C2) must be justified in a Flood Consequence Assessment.

6.1.13 *SP9 (Conservation of the Natural, Historic and Built Environment)*

“The conservation, enhancement and management of recognised sites within the natural, historic and built environment will be sought in all proposals.”

Expected impact of LDO:

The LDO does not permit any building operations; therefore, it will have no impact on the appearance of the built environment. Anyone wishing to make internal alterations to a listed building would have to submit an application for listed-building consent.

6.1.14 *SP10 (House Building Requirement)*

“Provision is made for 11,623 units to deliver a housing requirement of 10,350 units over the plan period. The affordable housing requirement for the plan period is set at 8,901 units and the affordable housing target for the plan period is set at 2,061 units. The land will be provided primarily on previously developed land in the following ways:

- i) Sites with planning permission, including sites under construction;
- ii) The Eastern Expansion Area;

- iii) Allocations set out in Policy H1; and
- iv) Infill, windfall and small sites.”

Expected impact of LDO:

The LDO will not create any new buildings, but it will encourage appropriate flat conversions in the city centre, thus contributing to Newport’s housing supply.

6.1.15 *SP12 (Community Facilities)*

“The development of new community facilities in sustainable locations will be encouraged including:

- i) Places of worship and church halls, cemeteries, community centres, health centres, day nurseries, clinics and consulting rooms;
- ii) Museums, public halls, libraries, art galleries, exhibition halls, education and training centres;
- iii) Cinemas, music and concert halls, theatres, dance and sport halls, swimming baths, skating rinks, gymnasiums;
- iv) Outdoor and indoor sport and leisure uses including allotments and community/ city gardens.

Development that affects existing community facilities should be designed to retain or enhance essential facilities.”

Expected impact of LDO:

A more permissive planning regime in the city centre may well generate additional community facilities. Existing facilities will be under no obligation to cease or sell their operations.

6.1.16 *SP13 (Planning Obligations)*

“Development will be required to help deliver more sustainable communities by providing, or making contributions towards, local and regional infrastructure in proportion to its scale and the sustainability of its location.

This list is not exhaustive, but the following are infrastructure priorities that developers will be expected to provide or contribute to in order to mitigate any negative consequences of development:

- Educational facilities and/or their upgrades;
- Affordable housing;
- Improvements to the highway network, including walking and cycling routes and public transport;
- Outdoor recreation;
- Protection, enhancement and management of the natural, historic and built environments;
- Community facilities and/or their upgrades; and
- Improvements to the public realm.”

Expected impact of LDO:

A more permissive planning regime in the city centre may well generate additional dwellings. Section 106 and Community Infrastructure Levy contributions will be sought in accordance with current council procedures.

6.1.17 *SP18 (Urban Regeneration)*

“Proposals will be favoured which assist the regeneration of the urban area, particularly where they contribute to:

- i) The vitality, viability and quality of the environment of the city centre;
- ii) The provision of residential and business opportunities within the urban area;
- iii) Reuse of vacant, underused or derelict land;
- iv) Encourage the development of community uses where appropriate.”

Expected impact of LDO:

It is considered that the LDO will be entirely consistent with this policy.

6.1.18 *GPI (Climate Change)*

“Development proposals should:

- i) Be designed to withstand the predicted changes in the local climate and to reduce the risk of flooding on site and elsewhere by demonstrating where appropriate that unless the risks and consequences of flooding are demonstrated as being can be acceptably managed, including avoiding the avoidance use of non-permeable hard surfaces;

- ii) Be designed to minimise energy requirements and incorporate appropriate renewable, low or zero carbon energy sources, including on-site energy provision where practicable;
- iii) Be designed to reuse or recycle existing construction materials present on the site;
- iv) Meet the relevant BREEAM or Code for Sustainable Homes level.”

Expected impact of LDO:

By concentrating commercial uses in the city centre, which is accessible to pedestrians and users of public transport, the LDO will be consistent with efforts to promote sustainable and efficient forms of development.

6.1.19 GP2 (*General Amenity*)

“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.”

Expected impact of LDO:

The LDO allows changes of use only and contains conditions in respect of operating hours, internal floor space (for flats), refuse management and acoustic insulation. In view of this, it is felt that the LDO is consistent with this policy.

6.1.20 GP6 (*Quality of Design*)

“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.”

Expected impact of LDO:

The LDO does not permit any building operations; therefore, it will have no impact on the appearance of the built environment.

6.1.21 *GP7 (Environmental Protection and Public Health)*

“Development will not be permitted which would cause or result in unacceptable harm to health because of land contamination, dust, instability or subsidence, air, heat, noise or light pollution, flooding, water pollution, or any other identified risk to environment, local amenity or public health and safety.”

Expected impact of LDO:

The LDO allows changes of use only and contains conditions in respect of operating hours, internal floor space (for flats), refuse management, flooding and acoustic insulation. In view of this, it is felt that the LDO is consistent with this policy.

6.1.22 *CE6 (Locally Listed Buildings and Sites)*

“Buildings and sites of local significance for their architectural or historic interest will be included on a local list and should be protected from demolition or inappropriate development.”

Expected impact of LDO:

The LDO does not permit any building operations; therefore, anyone who wishes to make external alterations to a locally listed building would have to apply for planning permission.

In determining the application, the local planning authority will treat the building's locally listed status as a material consideration.

6.1.23 *CE7 (Archaeology)*

“Development proposals will normally be required to undertake an archaeological impact assessment before the proposal is determined:

- i) Where groundworks and/or the installation of services are proposed within the archaeologically sensitive areas of Caerleon, the Levels, Lower Machen and the city centre, or;
- ii) Within other areas of recognised archaeological interest.”

Expected impact of LDO:

The changes of use permitted by the LDO would not necessitate excavation.

6.1.24 *CE8 (Conservation Areas)*

“Development within or adjacent to conservation areas will be required to:

- i) Be designed to preserve or enhance the archaeological or historic character or appearance of the conservation area, having regard to the conservation area appraisal where appropriate.
- ii) Avoid the removal of existing historic features, including traditional shopfronts and joinery.
- iii) Use materials which are traditional, or appropriate to their context.
- iv) Complement or reflect the architectural qualities of nearby buildings which make a positive contribution to the character of the area.

- v) Pay special attention to the settings of buildings, and avoid the loss of any existing domestic gardens and open spaces which contribute to the character of the area.
- vi) Avoid adverse impact on any significant views, within, towards and outwards from the conservation area.”

Expected impact of LDO:

The LDO does not permit any building operations; therefore, it will have no impact on the appearance of the built environment.

6.1.25 *H2 (Housing Standards)*

“Residential development should be built to high standards of environmental and sustainable design, taking into account the whole life of the dwelling.”

Expected impact of the LDO:

It is considered that the LDO, by permitting conversions rather than new buildings, will have no effect on this policy.

6.1.26 *H3 (Housing Mix and Density)*

“Residential development of 10 dwellings or more should be designed to provide a mix of housing to meet a range of needs and should be built at a density of at least 30 dwellings per hectare. A lower density will only be acceptable where it is demonstrated:

- i) Physical or infrastructure constraints prevent the minimum density from being reached, or;
- ii) The minimum density would have an unacceptable impact on design/character of the surrounding area, or;

iii) There is a particular lack of choice of housing types within a local community.”

Expected impact of LDO:

The LDO does not permit conversion schemes that would create more than nine new dwellings. For proposals that consist of fewer than 10 units, the council will seek planning obligations in accordance with current procedures. In short, then, the LDO will have no effect on this policy.

6.1.27 *H4 (Affordable Housing)*

“On-site provision of affordable housing will be required on all new housing sites of 10 or more dwellings within the settlement boundary, or 3 or more dwellings within the defined village boundaries.

The authority will seek the provision of affordable housing in accordance with the relevant submarket area target noted below;

40% Caerleon and rural Newport

30% Rogerstone and west Newport

20% East Newport

10% Malpas and Bettws

Specific site targets may vary subject to viability and negotiation.

For new housing sites of fewer than 10 dwellings within the settlement boundary, or fewer than 3 dwellings within the defined village boundaries, the council will seek a commuted sum contribution. The Affordable Housing SPG clarifies the methodology for calculating the commuted sum payments.”

Expected impact of LDO:

The council will seek affordable-housing contributions from developers in accordance with current procedures.

6.1.28 *H8 (Self Contained Accommodation and Houses in Multiple Occupation)*

“Within the defined settlement boundaries, proposals to subdivide a property into self-contained accommodation, bedsits or a house in multiple occupation will only be permitted if:

- i) The scale and intensity of use does not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on street parking problems;
- ii) The proposal does not create an over concentration of houses in multiple occupation in any one area of the city which would change the character of the neighbourhood or create an imbalance in the housing stock;
- iii) Adequate noise insulation is provided;
- iv) Adequate amenity for future occupiers.”

Expected impact of LDO:

Any flat created as a consequence of the LDO would have to satisfy floor-space requirements. In addition, occupiers of new flats would be aware of the lack of parking permits and amenity space, and developers must satisfy acoustic-insulation conditions before commencing flat conversions. In view of this, it is considered that the LDO would accord with Policy H2.

6.1.29 R1 (*City Centre Schemes*)

“Redevelopment schemes or other proposals to enhance the provision of retail facilities within the city centre shopping area will be favoured provided that the scale, design and layout of the proposals are compatible with the overall functioning of the city centre, its architectural character and visual environment.”

Expected impact of the LDO:

The LDO protects the retail function of the city centre and therefore accords with this policy.

6.1.30 R2 (*Primary Shopping Frontage*)

“Within the primary shopping frontage areas identified, proposals for the change of use of ground floor retail premises to non-retail uses will only be permitted provided that:

- i) The proposal, either in its own right or in conjunction with other existing and approved non-retail uses, would not result in a break in the retail frontage which exceeds 15 metres;
- ii) The proposal is not adjacent to another non-retail unit;
- iii) 80% of the total length of frontage is maintained in retail use;
- iv) The proposal does not involve a prominent or corner unit;
- v) Design aspects are acceptable, particularly with regard to the intended shopfront treatment;

- vi) Proposed uses are within class a (as defined by the town and country planning use classes order 1987 or as amended) or other *sui generis* uses as may be acceptable or comprise a *sui generis* use appropriate to the primary shopping area;
- vii) Any anticipated environmental disturbance can be effectively controlled through the use of planning conditions or noise abatement zone controls.”

Expected impact of the LDO:

No impact. The LDO does not allow non-retail uses in ground-floor units in the primary retail area.

6.1.31 *R3 (Non-Retail Uses in Secondary City Centre Shopping Areas)*

“Proposals for non-retail uses in Newport city centre at ground floor level in the secondary frontages identified will be permitted provided that:

- i) The proposal, either on its own or in conjunction with adjoining units, would not result in a break in the retail frontage of more than 20 metres;
- ii) The proposal would not result in a gap in the retail frontage of more than 2 units;
- iii) At least 60% of any frontage length is maintained in retail use;
- iv) The proposal does not involve a prominent or corner unit;
- v) The proposed development would not adversely affect local residential amenity, either in its own right or cumulatively with other uses;
- vi) Any anticipated environmental disturbance can be effectively controlled through the use of planning conditions or noise abatement zone controls;

vii) The development is accessible in terms of public transport provision, and associated pedestrian movement following operating hours will not be directed through residential areas.”

Expected impact of the LDO:

No impact. The LDO does not allow non-retail uses in ground-floor units in the secondary retail area.

6.1.32 *R4 (Non-Retail Uses in Other City Centre Shopping Areas)*

“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.”

Expected impact of the LDO:

The LDO grants conditional planning permission for non-retail uses outside the principal retail areas. It is, therefore, consistent with this policy.

6.1.33 *R5 (Café Quarter)*

“Outdoor seating areas as extensions to existing A3 food and drink uses (as defined by the Town and Country Planning Use Classes Order 1987 or as amended) will be encouraged in the defined Café Quarter.”

Expected impact of LDO:

It is considered that the LDO will have no effect on this policy. Proposals for outdoor seating areas will require conventional planning permission.

7.0 Conditions

General

1. No change of use permitted by the Local Development Order shall commence until an application for a Certificate of Conformity has been submitted to, and approved in writing by, the Local Planning Authority (the Authority will not issue a Certificate of Conformity until the applicant has satisfied all of the relevant pre-commencement conditions).

Reason: To ensure that proposed changes of use comply with the terms of the Local Development Order.

2. With reference to Planning Policy Wales Technical Advice Note 15: Development and Flood Risk (or any document that updates or replaces it during the course of the LDO), no change in use to highly vulnerable development is permitted in any basement or ground-floor unit in Development Advice Map Zone C1 or in any unit in Development Advice Map Zone C2.¹

Reason: To ensure that no development permitted by the LDO has unacceptable flooding consequences.

3. No change of use permitted by the Local Development Order shall commence in a ground-floor unit in a C1 or C2 flood zone until a Flood Consequence Assessment (FCA) has been submitted to, and approved in writing by, the Local Planning Authority. The approved details or measures shall be fully implemented and maintained in that state thereafter.

¹ “Highly vulnerable development” is defined in the most recent edition of Planning Policy Wales Technical Advice Note 15: Development and Flood Risk. It includes all residential premises (use classes C1 and C3), public buildings (often use class D1) and, in some cases, leisure-related businesses (use class D2).

Reason: To ensure that no development permitted by the LDO has unacceptable flooding consequences.

4. Prior to the commencement of a permitted use, full details of refuse storage/management shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented and maintained in that state thereafter.

Reason: To protect the amenities of persons in neighbouring properties.

Residential proposals

Planning contributions

Prior to commencement of use

5. No residential development permitted by the Local Development Order shall commence until the developer(s) and the Local Planning Authority have signed a legal agreement in respect of planning contributions.

Reason: To alleviate the impact of development on local services and facilities.

Number of bedrooms

6. No dwelling created under the terms of the Local Development Order may contain more than three bedrooms.

Reason: To secure an adequate level of residential amenity for occupiers and neighbours.

External noise (all residential proposals)

Prior to commencement of use

7. No residential development permitted by the Local Development Order shall commence until a scheme of sound-insulation and ventilation measures, devised in the light of a comprehensive assessment of external noise, has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme must ensure that all habitable rooms exposed to external noise in excess of 55 dBA Leq 16 hour (free field) during the day (07:00 to 23:00 hours) or 45 dBA Leq 8 hour (free field) during the night (23:00 to 07:00 hours) achieve an internal noise level of 40 dBA Leq 16 during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound-insulation measures shall be able to be effectively ventilated without opening windows.

Reason: To secure an adequate level of residential amenity for future occupiers.

Prior to occupation of dwelling

8. No dwelling created under the terms of the Local Development Order shall be occupied until sound-insulation and ventilation measures have been installed in accordance with a scheme of works previously approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter at all times.

Reason: To secure an adequate level of residential amenity for future occupiers.

Residential proposals within 75 metres of existing premises licensed under the Licensing Act 2003 for late-night refreshment, alcohol and live and/or recorded music

Prior to commencement of use

9. No residential development permitted by the Local Development Order shall commence until a scheme of noise-mitigation measures, devised in the light of a comprehensive assessment of noise from licensed premises within a 75-metre radius of each proposed dwelling, has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme must ensure that noise from existing licensed premises is inaudible in each habitable room in each proposed dwelling.

Reason: To secure an adequate level of residential amenity for future occupiers.

Prior to occupation of dwelling

10. No dwelling created under the terms of the Local Development Order shall be occupied until noise-mitigation measures (relating to existing licensed premises) have been installed in accordance with a scheme of works previously approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter at all times.

Reason: To secure an adequate level of residential amenity for future occupiers.

Residential proposals within 75 metres of existing plant and/or equipment²

Prior to commencement of use

² Examples of plant/equipment include machinery for air conditioning, fume extraction and refrigeration.

11. No residential development permitted by the Local Development Order shall commence until a scheme of noise-mitigation measures, devised in the light of a comprehensive assessment of noise (using British Standard BS 4142:2014) from existing plant and/or equipment within a 75-metre radius of each proposed dwelling, has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme must ensure that noise from existing plant and/or equipment is inaudible in each habitable room in each proposed dwelling.

Reason: To secure an adequate level of residential amenity for future occupiers.

Prior to occupation of dwelling

12. No dwelling created under the terms of the Local Development Order shall be occupied until noise-mitigation measures (relating to existing plant and/or equipment) have been installed in accordance with a scheme of works previously approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter at all times.

Reason: To secure an adequate level of residential amenity for future occupiers.

Transmitted noise (all residential proposals)

Prior to commencement of use

13. No residential development permitted by the Local Development Order shall commence until a scheme of measures that insulates the dwelling against noise generated by

adjoining units and transmitted through floors, ceilings and party walls has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To secure an adequate level of residential amenity for future occupiers.

Prior to occupation of dwelling

14. No dwelling created under the terms of the Local Development Order shall be occupied until measures that insulate the dwelling against noise generated by adjoining units and transmitted through floors, ceilings and party walls have been installed in accordance with a scheme of works previously approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter at all times.

Reason: To secure an adequate level of residential amenity for future occupiers.

Removal of permitted-development rights

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order), no development within Schedule 2, Part 40, Classes A, B, C, D, E, F, G, H or I may be carried out at any dwellinghouse (as defined in Welsh Statutory Instrument 2009 2193(W.185)) created under the LDO without the prior written permission of the Local Planning Authority.

Reason: To ensure that a satisfactory form of development takes place, and to protect the character and appearance of the Town Centre Conservation Area and the amenities of persons in neighbouring properties.

Maximum number of dwellings in a single building

16. No conversion scheme implemented under the terms of the LDO, whether in isolation or in combination with another scheme (regardless of ownership), may create more than nine new dwellings in a single building.

Reason: To allow the council to exercise standard planning controls in respect of major residential development proposals.

Internal floor space

17. No dwelling created under the LDO may be occupied until floor plans that satisfy the relevant minimum standard for internal floor space have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme must be retained in that state thereafter.

Reason: To secure an adequate level of residential amenity for occupiers.

Beds/bedrooms	Flat type	
	<i>Studio</i>	<i>Regular</i>
1	35	45
2	n/a	60
3	n/a	70

Note:

Gross internal floor space includes circulation space and any space occupied by fixtures, appliances, work surfaces, etc.

Non-residential proposals

Ground-floor windows

18. Existing ground-floor windows and shop fronts must not be obscured, either internally or externally, by paint, whitewash, film, curtains or any other opaque material.

Reason: To maintain the commercial character and appearance of the city centre.

Operating hours

19. Non-residential uses established under the LDO may operate only between 07:00 hours and 23:00 hours. Outside these hours, the premises must be vacated and closed to the public (including members of private clubs).

Reason: To protect the amenities of persons in neighbouring properties.

Commercial delivery vehicles

20. At non-residential uses established under the terms of the LDO, there shall be no arrival, departure, loading or unloading of commercial delivery vehicles between the hours of 23:00 and 07:00 on any day.

Reason: To protect the amenities of persons in neighbouring properties.

Transmitted noise

Prior to commencement of use

21. No non-residential use permitted by the Local Development Order shall commence until a scheme of measures that prevents that use from transmitting noise to adjoining units through its floors, ceilings and party walls has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To protect the amenities of persons in neighbouring properties.

Prior to occupation of unit

22. No non-residential use permitted by the Local Development shall be occupied until measures that prevent that use from transmitting noise to adjoining units through its floors, ceilings and party walls have been installed in accordance with a scheme of works previously approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter at all times.

Reason: To protect the amenities of persons in neighbouring properties.

8.0 Notes

1. The Local Development Order (LDO) is active for a period of three years from 21 August 2015. Development that commences while the LDO is in effect may be completed and/or continued after the LDO has expired or been withdrawn. Once the LDO has expired (or been withdrawn), however, no new changes of use will be allowed under its terms, and developers will have to apply for conventional planning permission. At the end of the three-year period, Newport City Council will assess the impact of the LDO and decide whether to (i) renew the LDO with no revisions, (ii) renew the LDO with new terms and conditions, or (iii) revoke the LDO.
2. The LDO does not grant planning permission for any “development” (as defined in Part III, Section 55 of the Town and Country Planning Act 1990) except the changes of use described in section 5.0 of this document.
3. In order to alleviate the impact of development on local services and facilities, section 106 and Community Infrastructure Levy contributions will be sought in accordance with current council procedures.
4. The LDO does not remove any requirement for advertisement or listed-building consent.
5. The LDO does not remove any requirement for consent under non-planning regulations, such as those relating to licensing and building regulations.
6. The LDO applies only to the area indicated on the LDO plan.
7. Occupiers of dwellings created under the terms of the LDO will not be entitled to council parking permits.

8. The Local Development Order has been screened under the Environmental Impact Assessment Regulations, and it is considered that an Environmental Statement is not required.
9. The Local Development Order will neither permit operational development nor necessitate piling, additional lighting or any other works that are likely to have a “significant effect” on the River Usk (a Special Area of Conservation and a Site of Special Scientific Interest). In view of this, the council did not consider it necessary to perform an appropriate assessment (see section 61 of the Conservation of Habitats and Species Regulations 2010).
10. Applicants may need to submit access statements for proposals that would necessitate access by employees and/or provide services to the public. (If the proposed and existing uses should belong to the same class, or if an A2 or A3 use should become an A1 use, an access statement will not be required.)
11. The Welsh Government’s Development Advice Map may be viewed at <http://data.wales.gov.uk/apps/floodmapping/>.

9.0 Compliance

Newport City Council will monitor changes of use within the city centre and, when appropriate, take enforcement action against unauthorised development, including any uses that operate in breach of the conditions in section 7.0.

10.0 Results and monitoring

In addition to reviewing applications for Certificates of Conformity, Newport City Council will monitor vacancy levels in ground-floor units and footfall in Commercial Street. The findings of such research will be presented in annual monitoring reports.

11.0 Planning contributions/Community Infrastructure Levy

Section 106 and Community Infrastructure Levy contributions will be sought in accordance with current council procedures. In certain circumstances, developers will not be able to commence their proposed uses until they sign legal agreements in respect of planning contributions and Community Infrastructure Levy charges.

12.0 Risk assessment

Residential amenity

Residential amenity is an important consideration because a number of dwellings are located in the LDO area. The Public Protection Service, which operates within a separate legislative framework, can control various threats to residential amenity, including noise and odour.

Nonetheless, the LDO would contain conditions regarding acoustic insulation and the operating hours of non-residential uses.

Parking

The city centre is well served by public transport and pedestrian networks; therefore, it is considered unlikely that the LDO will substantially increase demand for off- and on-street parking. At any rate, occupants of new dwellings will not be entitled to parking permits, and Gwent Police will be able to enforce parking regulations in the usual fashion.

Character and appearance of listed buildings and the Town Centre Conservation Area

The LDO does not allow developers to display advertisements on, or make external alterations to, any building in the city centre. Developers may change the use of a listed building under the terms of the LDO, but any internal or external works will require separate listed-building consent. In view of this, it is felt that the LDO will preserve the special character and appearance of listed buildings and the City Centre Conservation Area.

Loss of planning-application fees

Under current regulations, the council receives £330 for every application that proposes a change of use of land or a building. For residential proposals, the council receives £330 for every additional dwelling that the scheme would create. Between January 2010 and November 2014, the council received 42 change-of-use applications (including residential schemes) in what would become the LDO area. These proposals generated £28,350 in

application fees, giving an annual average of £5,869.57. It is likely, therefore, that the council would sacrifice only a modest amount of money even if change-of-use proposals were to proliferate during the LDO period.

Flooding

Technical Advice Note 15: Development and Flood Risk (July 2004) identifies three flood zones: A, B and C (subdivided into C1 and C2). Zone A is considered safe for all forms of development, but zone C2 should accommodate only “less vulnerable” development, such as commercial buildings and utilities infrastructure. “Highly vulnerable” development, such as dwellings, schools and libraries, should not be considered in zone C2, and should be permitted in zone C1 only when certain criteria are satisfied.

Section 6 (justification) states the following:

“Development, including transport infrastructure, will only be justified if it can be demonstrated that:

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; **or**,*
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;*

and,

- iii. *It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,*
- iv. *The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.”*

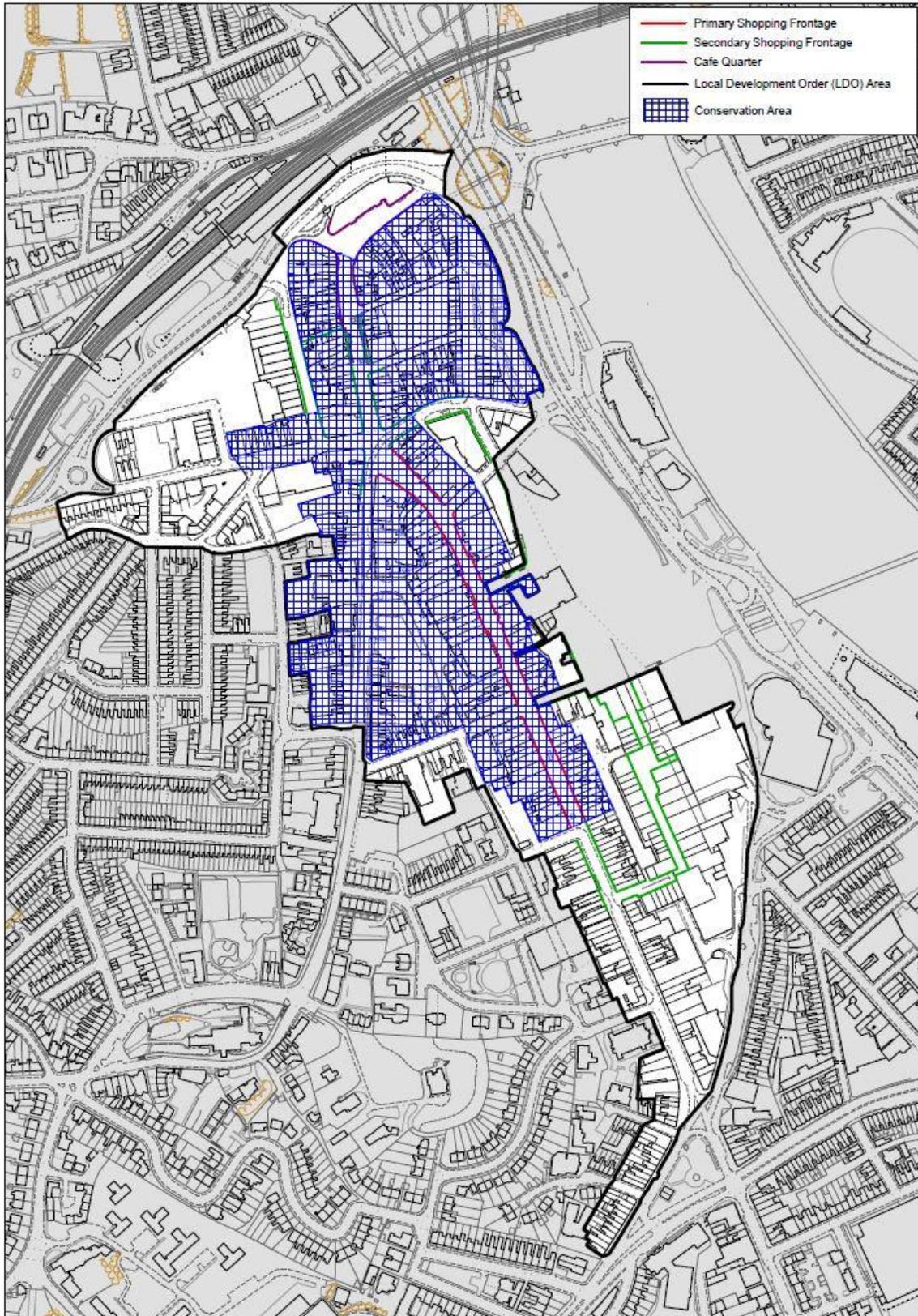
Section 7 (consequences of flooding) states the following:

“Whether a development should proceed or not will depend upon whether the consequences of flooding of that development can be managed down to a level which is acceptable for the nature/type of development being proposed, including its effects on existing development. It would certainly not be sensible for people to live in areas subject to flooding (even in two storey buildings) where timely flood warnings cannot be provided and where safe access/egress cannot be achieved.”

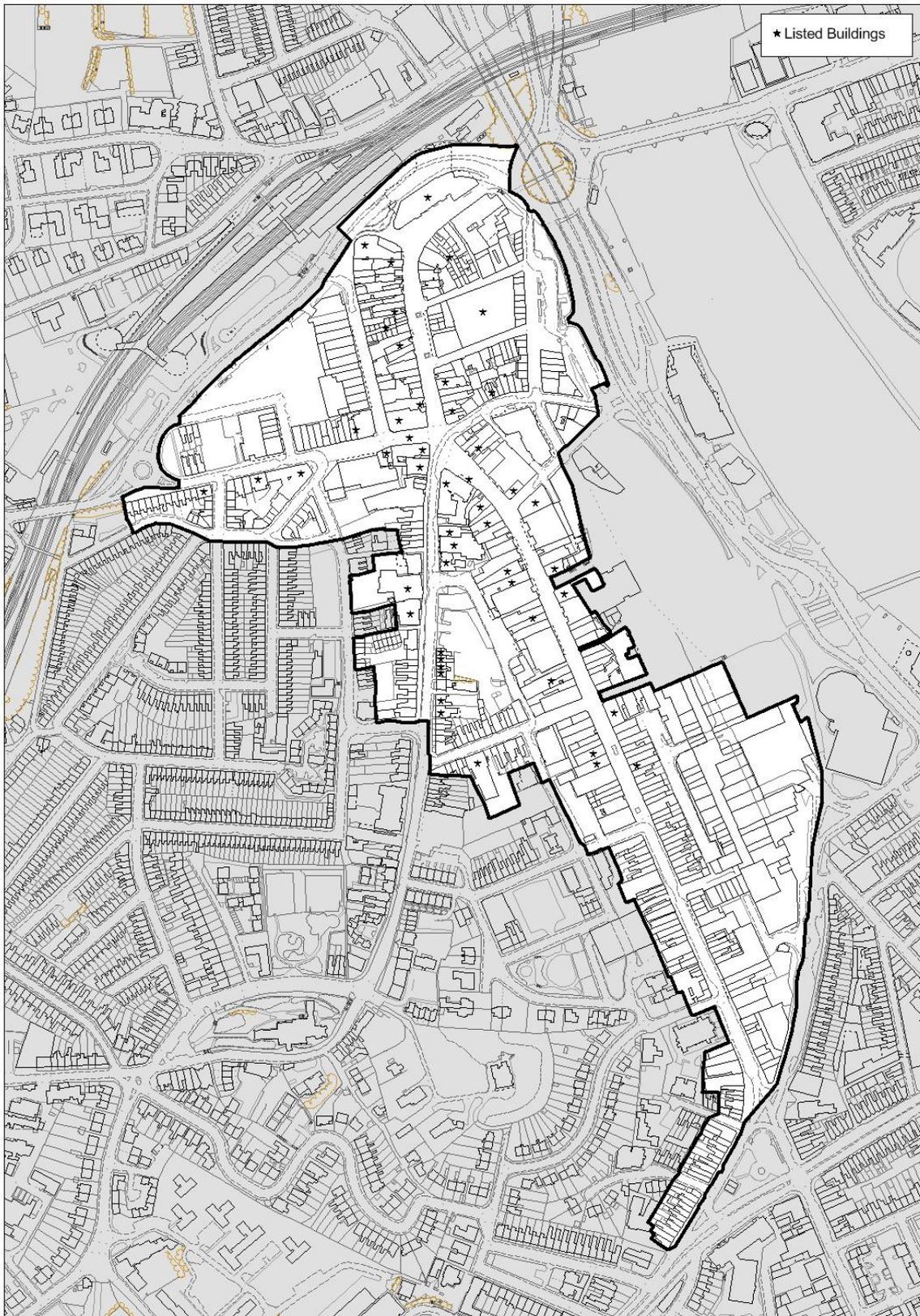
Situation: Several buildings in the LDO area are situated in a C1 flood zone. No buildings in the LDO area are situated in a C2 flood zone.

Solution: No change in use to a highly vulnerable land use is permitted in any basement or ground-floor unit in Development Advice Map Zone C1 or in any unit in Development Advice Map Zone C2. A change in use to a less vulnerable land use in a ground-floor unit in Development Advice Map Zone C (comprising flood zones C1 and C2) must be justified in a Flood Consequence Assessment.

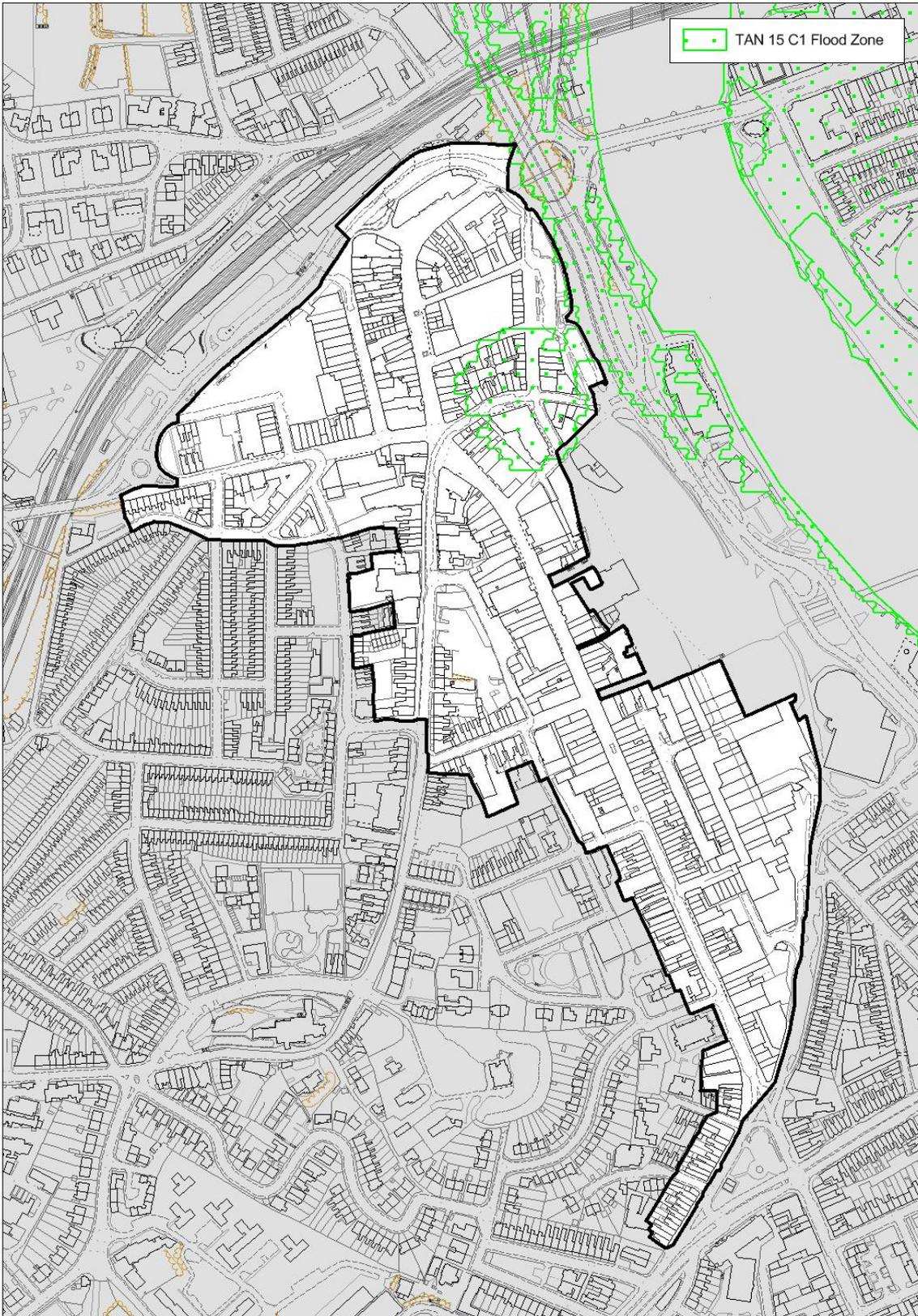
13.0 Map of city centre



14.0 Map of listed buildings in LDO area



15.0 Map of flood zones in LDO area



Notes

- i) The above map (C1 flood zone) is based on the Development Advice Maps (DAMs) published by the Welsh Government in January 2015.
- ii) The DAMs are reviewed periodically and therefore may change during the three-year lifetime of the LDO.
- iii) At the time of writing, no part of the LDO area was situated in a C2 flood zone.