

## **APPLICATION DETAILS**

No: 23/0477 Ward: **Liswerry**

Type: Full (Major)

Expiry Date: 12TH APRIL 2024

Applicant: **STARBURST UK LTD C/O AGENT**

Site: **Orb Works Stephenson Street Newport South Wales NP19 0RB**

Proposal: **PROPOSED CLASS B1(C)/B2/B8 DEVELOPMENT (PHASE 1) TOGETHER WITH ASSOCIATED DEMOLITION/ELEVATIONAL TREATMENT, PARKING, LANDSCAPING, DRAINAGE, ECOLOGICAL ENHANCEMENT AND PROVISION OF IMPROVED PEDESTRIAN/CYCLIST FACILITIES**

### **1. LATE REPRESENTATIONS**

#### **1.1 Email from Planning Agent 02/04/2024**

We have just two points to make in response to the comprehensive Committee Report.

Paragraph 7.8.6 embodies a double negative which requires amending; and

Condition 21 relates to the sub-division and amalgamation of units – a matter not previously raised. Firstly, can you please confirm that the reference to “units” relates to the individual units which make-up each of the four terraces, with terrace A, for example, comprising 15 individual units, each totalling approximately 1600ft<sup>2</sup>. Secondly, regarding the proposed restriction on the amalgamation of units, this is unnecessary as the Use Class and the amount of floorspace would remain the same, irrespective of whether a single operator occupied 5 units or five individual operators occupied five units. In trip generation terms there would be no difference, although it is quite possible that a single operator would, in reality, generate less rather than more traffic than would five individual operators.

I would add that subject to the proposed/agreed Use Classes, Starburst has sought from the outset the flexibility to cater for the differing floorspace requirements of individual operators at the Orb Site - the approach taken elsewhere in Newport at, for example, Langland Park, and throughout South Wales. Some operators might require just one unit, whereas others might need to occupy several of the individual units. This flexibility and, indeed, the viability and market attraction of the proposed development is seriously prejudiced by the approach underpinning Condition 21.

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

- 2.1 Regarding the first point in relation to a grammatical error in Paragraph 7.8.6 of the Officer’s Report, this is noted. However, it does not result in a material change to, or, prejudice the assessment or outcome of the application. So, whilst acknowledged, the agenda has been published and is not able to be altered.
- 2.2 Turning to Condition 21, the clarification sought regarding the term “units” has been provided to the agent via email.
- 2.3 In relation to the proposed restriction of the amalgamation of the units which forms part of the proposed wording of Condition 21, whilst the applicant’s point is noted the Local Planning Authority are still of the view that the imposition of this restriction is necessary in order to safeguard the effective functioning of the proposed site layout and parking arrangements.
- 2.4 The parking layout submitted has been designed to serve the 49no. individual units proposed. By removing control and allowing the future amalgamation of these units this would allow for much larger units to be created at the site that would likely function and operate in a different way to the layout that has been put forward and recommended to

Planning Committee for approval. By relinquishing control as per the applicant's request the Local Planning Authority would effectively be allowing the terrace of units to be used in such a way that could have a detrimental impact on the functionality and acceptability of the site's layout.

2.5 Should the applicant or any future users wish to use the units in a different way to that agreed, then they could apply for permission to do so and the Local Planning Authority would assess the acceptability of such a proposal at that stage. Failing that, there are mechanisms available post decision for the applicant to apply to alter the wording that the Local Planning Authority would consider.

2.6 Whilst considering the wording of Condition 21 at the request of the applicant, it has become apparent that the wording "A minimum of 50% of the total approved gross new floor space..." is not precise and should be amended accordingly. It is therefore recommended that Condition 21 is worded as follows;

*"No less than 3,738sqm of the total approved gross new floor space hereby approved shall be used for purposes in Class B8 of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 as amended. The site and individual units/plots shall be laid out and provided in accordance with approved drawings and at no time shall they be subdivided or amalgamated contrary to the approved plans.*

**Reason:** *In the interests of the effective functioning of the site layout, highway safety and to allow the LPA to assess any potential highway impact in accordance with Policy GP4 of the NLDP 2011-2026 (adopted January 2015)."*

2.7 The following condition (to be referred to as Condition 23) is also proposed to be included within the recommended conditional regime, in order to prevent any extension of the buildings hereby approved through permitted development rights.

*"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or reenacting that Order), Schedule 2, Part 8, Class A, no erection, extension or alteration of any building hereby approved shall take place without the prior written consent of the Local Planning Authority"*

**Reason:** *In the interests of the effective functioning of the site layout, highway safety and to allow the LPA to assess any potential highway impact in accordance with Policy GP4 of the NLDP 2011-2026 (adopted January 2015)."*

### **3. OFFICER RECOMMENDATION**

3.1 GRANTED WITH CONDITIONS