

APPLICATION DETAILS

No: 24/0756 **Ward:** Victoria
Type: Full (Major)
Expiry Date: 21st May 2025
Applicant: J Moore
Site: Land Formerly Known As 21 Kelvedon Street Newport South Wales
Proposal: THE CONSTRUCTION OF 30NO AFFORDABLE HOUSING APARTMENTS AND ASSOCIATED EXTERNAL WORKS AND PARKING

Recommendation: GRANTED WITH CONDITIONS AND SUBJECT TO A SECTION 106 LEGAL AGREEMENT WITH DELEGATED AUTHORITY TO HEAD OF REGENERATION AND ECONOMIC DEVELOPMENT TO USE DISCRETION TO REFUSE IF NOT SIGNED WITHIN 3 MONTHS OF A RESOLUTION

1. INTRODUCTION

- 1.1 This application is for the construction of a building containing 30no apartments comprising of a mix of 8no two beds and 22no one beds, together with associated parking and external areas at land formerly known as 21 Kelvedon Street in the Victoria Ward.
- 1.2 The site is currently vacant and all buildings have been demolished but it was historically a commercial printers until the mid-2000's. The area is within the urban boundary and is predominantly residential in character with the exception of a small industrial area immediately to the south of the site and a medical centre and pharmacy centre to the east.
- 1.3 We have been advised that the proposed apartments would all be affordable and Newport City Homes has been named as the Registered Social Landlord (RSL) that will manage the accommodation.
- 1.4 The application is being reported to Planning Committee as it falls within the 'major' category. The site is not allocated within the Local Development Plan and is a windfall site. It is infill development and the main considerations of this application are design, impact on neighbouring amenity and standard of amenity for future occupiers, parking and associated highways matters, trees, landscaping, and flood risk.

2. RELEVANT SITE HISTORY

94/0918	CONSTRUCTION OF CAR PARK AND ERECTION OF 2.4M HIGH PALLISADE BOUNDARY FENCE	Granted with Conditions
02/0353	CHANGE OF USE TO COMMERCIAL PRINTERS	Granted with Conditions
05/0244	DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF SITE FOR RESIDENTIAL PURPOSES (MAXIMUM 25NO. UNITS) (OUTLINE)	Refused
15/1157	PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING OF 2NO. SMALL RETAIL UNITS AND UNDERCROFT PARKING TO GROUND FLOOR AND 52NO. APARTMENTS TO UPPER FLOORS	Withdrawn
16/0665	PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING OF 2NO. SMALL RETAIL UNITS AND UNDERCROFT	Appeal Dismissed

3. POLICY CONTEXT

3.1 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 (Adopted January 2015):

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

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

Policy SP10 Housing Building Requirements states that provision is made for 11,623 units within the plan period in order to deliver a requirement of 10,350 units. The plan seeks to deliver 2,061 affordable units.

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 GP1 General Development Principles – Climate Change states that development should be designed to withstand predicted climate change and reduce the risks and consequences of flooding, minimise energy requirements, reuse/recycle construction material and meet the relevant BREEAM or Code for Sustainable Homes Level.

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 GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

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 H2 Housing Standards promotes high quality design taking into consideration the whole life of the dwelling.

Policy H3 Housing Density seeks a density of at least 30 dwellings per hectare on sites of 10 dwellings or more.

Policy T4 Parking states that development will be expected to provide appropriate levels of parking.

Policy H4 Affordable Housing sets out the affordable housing targets for the four submarket areas within Newport. For new housing sites of fewer than 10 dwellings within the settlement boundary, and fewer than 3 dwellings within the village boundaries, a commuted sum will be sought.

Policy W3 Provision for Waste Management Facilities in Development states that where appropriate, facilities for waste management will be sought on all new development.

Relevant Supplementary Planning Guidance

Parking Standards SPG
Planning Obligations SPG
New Dwellings SPG
Waste Storage and Collection SPG
Wildlife and Development SPG
Sustainable Travel SPG
Affordable Housing SPG
Flat Conversion SPG

4. CONSULTATIONS

4.1 **GWENT POLICE (ARCHITECTURAL LIAISON OFFICER):** I have reviewed the development plans and associated documents through the Newport Planning portal. Should any of these drawings be revised with significant alterations to the building design, layout, and/or specification level can I please request these are forwarded on.

To support my recommendations around the design and layout, physical security requirements, and product recommendations I have reviewed the crime statistics for the ward area of Victoria, for a 12-month period between 1st November 2023 – 1st November 2024. From a Policing perspective the development is located in the Newport County Borough Council area, within the Maindee section and Victoria Ward. The Victoria ward is 1 of 6 wards covered by the Maindee section.

The analysis of the statistics for the development location has focused on crime/incident types that could potentially pose a threat, risk, or harm to the development and users of –

Crime/Incident Type	Section – Maindee	Ward - Victoria	*Site – Kelvedon St	Demand % Ward v Site
Residential Burglary	108	36	0	0%
Criminal Damage	398	103	6	5.8%
Theft (non-shoplifting)	189	52	1	1.9%
Vehicle Crime	269	99	4	4%
Bicycle Crime	11	3	0	0%
Anti-Social Behaviour	801	253	5	2%

From examining the crime/incident data, I am satisfied that the proposed development location is not currently being affected by any significant ongoing crime trends or patterns.

I can confirm that the current call volume and demand from the area is not having a detrimental effect on Policing or the community within the location.

At this time, I do not have any clear objections to the application. When offering crime prevention and physical security advice we take guidance and best practice from the range of guides supplied by Secured by Design (SBD).

Secured by Design recommendations have been made.

- 4.2 **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.

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Newport City Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

Sewage Treatment

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Capacity is currently available in the water supply system to accommodate the development. We reserve the right however to reassess our position as part of the formal application for the provision of new water mains under Section 41 and Section 51 of the Water Industry Act (1991) to ensure there is sufficient capacity available to serve the development without causing detriment to existing customers' supply as demands upon our water systems change continually.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes 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 development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to

dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with 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.

- 4.3 **NATURAL RESOURCES WALES:** Our response should be taken as NRW's formal representation, as the appropriate nature conservation body, to your appropriate assessment (AA) (no reference or date) under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, as amended.

In consideration of the mitigation measures detailed (including Construction Environment Management Plan and Land Contamination Conditions), we agree with your conclusion that the development is unlikely to have an adverse effect upon the integrity of the River Usk Special Area of Conservation (SAC).

Flood Risk

The planning application proposes highly vulnerable development (residential). Our Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 3 Sea.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of a Flood Consequences Assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level.

The FCA shows that the risks and consequences could be managed to an acceptable level, provided the submitted FCA is included within the approved plans and documents condition attached to any permission granted as follows:

Kelvedon Road, Newport – Flood Consequence Assessment by JBA Consulting, dated October 2024, Rev P01, Ref: OCA-JBA-XX-XX-RP-Z-0001-S3-P01-Kelvedon_Road_FCA: Section: 2.5, Table 2-2 'Proposed Site Levels'.

Technical Advice

The FCA has utilised Version 7 of the Newport Tidal Flood Model from June 2020, which includes the appropriate 100 year lifetime of development and climate change allowance. We confirm that at the time of assessment the best available data has been used.

The submitted FCA states that existing site levels range from 6.57 – 7.04mAOD (a high point of 8.99mAOD associated with rubble tipping on site is also noted).

The maximum predicted flood level during the 0.5% (1 in 200) year event (including climate change allowance) is 7.37mAOD. During the 0.1% (1 in 1000) year event (including climate change allowance), the maximum predicted flood level on site is 8.31mAOD. Therefore the site is at risk of flooding.

In order to mitigate the predicted flood risk on site, the proposal involves the raising of site levels to 8mAOD within the area proposed for residential use and 7.72mAOD within the proposed car parking area.

As a result of the proposed land raising, the FCA states that the entire site will remain flood free during the 0.5% (1 in 200) year event (including climate change allowance). This complies with Section A1.14 of TAN 15. Furthermore, during the 0.1% (1 in 1000) year event (including climate change allowance), the site is predicted to flood to a maximum depth of 310mm for the residential areas and 590mm for the car parking area. These flood levels

remain within the tolerable limits set out within A1.15 of TAN15.

The FCA states that, due to the near limitless volume of tidal inundation that would be experienced, the proposed development is unlikely to impact upon flood risk elsewhere. We agree with this statement and consider the development to accord with A1.12 of TAN15.

We note that the FCA provides further access / egress information on the flood risk likely to be experienced along Kelvedon Road to aid evacuation should flooding occur on this site. As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or grant the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

4.4 **SOUTH WALES FIRE & RESCUE:** Standing advice is provided and no objection is offered.

4.5 **WALES AND WEST UTILITIES:** Provide detail of equipment in the area.

4.6 **WESTERN POWER DISTRIBUTION:** Provide details of equipment in the area.

5. INTERNAL COUNCIL ADVICE

5.1 LOCAL HIGHWAYS AUTHORITY):

No objection subject to conditions.

Highway Comments:

Following receipt of amended plans including 1660-PL1- 04 Rev F we would update our comments as follows.

It is not clear what is proposed for electric vehicle charging but some locations are shown. We would therefore request a further condition to address this.

A bin collection area is proposed, but as the bins are shared, we would also request a waste management plan to ensure somebody is identified and responsible for transferring bins to and from on collection day.

The plans do not indicate any repairs / making good of redundant access points or detail of access provision. Further information is also needed to confirm drive materials and gradient. Another condition is therefore considered necessary to ensure this is undertaken in satisfactory manner. The applicant should note however that the detail of works will also have to be approved separately by highways. (see informative notes).

A construction management plan is also needed due to the constrained location and potential impacts during construction.

In summary there are no objections on highway related matters subject to the following conditions.

Suggested Conditions:

The development shall not be implemented until the surface water drainage of the site has been designed to prevent the discharge of water on to the highway.

Reason: To prevent unnecessary surface water from being deposited on to the highway thus causing a potential source of danger to other road users.

No part of the development shall be brought into use until visibility splays of 2 metres by 2metres have been provided on each side of the access. The depth shall be measured from the back of footway/verge; and the width measured outward from the edges of the access. The splays shall be created clear of obstructions to visibility at or above a height of 0.6 metres above footway level. Once created, the visibility splays shall be maintained clear of any obstruction and shall be retained at all times.

Reason: To provide the driver of a vehicle using the access and other users of the public highway with adequate inter-visibility in the interests of road safety.

Except for site clearance and remediation no development shall take place until a scheme to permanently close off the existing vehicular access on Kelvedon Street and Witham Street has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as agreed before any part of the development has been brought into use unless otherwise agreed in writing by the Council as Local Planning Authority.

Reason: To limit the number of access points to, and to maintain the proper construction of, the highway in the interests of road safety.

The gradient of the vehicular access shall not exceed 1 in 40 for the first 15 metres into the site measured from the nearside edge of the highway boundary of Kelvedon St.

Any gate or other form of barrier across the access shall be positioned at least 6 metres back from the nearside edge of the highway boundary of Kelvedon St, and shall be constructed to open into the site only.

Reason: To permit vehicles to pull clear of the carriageway when entering the site in the interests of road safety.

The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number 1660-PL1-04 Rev F. The parking and servicing areas shall be retained as such thereafter.

Reason: To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking, and that hard-surfaced areas have a satisfactory appearance.

Except for site clearance and remediation no development shall take place until a scheme for the provision of cycle parking in accordance with the Council's current standards has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as approved before any part of the development is brought into use and shall be retained as such thereafter. Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no building works, which reduce this provision, shall take place except following the express grant of planning permission by the Council.

Reason: To ensure that adequate provision is made for parking cycles on the site; and to establish measures to encourage non-car modes of transport.

No works shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of demolition/construction has been submitted to and approved in writing by the Council as Local Planning Authority.

The method statement shall include, but not be limited to:

Construction traffic routes, including provision for access to the site

Entrance/exit from the site for visitors/contractors/deliveries

Location of directional signage within the site

Siting of temporary containers

Parking for contractors, site operatives and visitors

Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction

Temporary roads/areas of hard standing

Schedule for large vehicles delivering/exporting materials to and from site and details of manoeuvring arrangements

Storage of materials and large/heavy vehicles/machinery on site

Measures to control noise and dust

Details of street sweeping/street cleansing/wheelwash facilities

Details for the recycling/disposing of waste resulting from demolition and construction works

Hours of working

Phasing of works including start/finish dates

For the avoidance of doubt all construction vehicles shall load/unload within the confines of

the site and not on the highway.

The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority.

Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers.

Prior to the occupation of any dwelling, a Residential Travel Plan shall be submitted to and approved in writing by the Council as Local Planning Authority. The Plan shall include immediate, continuing and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car. For the avoidance of doubt, the Travel Plan shall include, but not be limited to, the following:

- a) Production and distribution of an information pack for residents detailing travel options and information for all modes of travel
- b) Information on existing transport policies, services and facilities, travel behaviour and attitudes
- c) Access for all modes of transport
- d) Resource allocation including Travel Plan Co-ordinator and budget
- e) A marketing and communications strategy
- f) Appropriate measures and actions to reduce car dependence and encourage sustainable travel
- g) An action plan including a timetable for implementation of each of each of the above
- h) Mechanisms for monitoring, reviewing and implementing the travel plan in co-operation with the Council's Active Travel Team

The Approved Residential Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

An annual report shall be submitted to the council no later than 1 month following the anniversary of the first occupation of the development for a period of 3 years. The annual report shall include a review of the Residential Travel Plan measures, monitoring data and an updated action plan in liaison with the Council's Smarter Travel Choices Team.

Reason: To maximise opportunities for travel by modes of transport other than the private car, and to ensure that the development is sustainable.

Prior to first occupation of the development hereby permitted a servicing and waste management strategy shall be submitted to, and approved in writing by, the Council as Local Planning Authority. For the avoidance of doubt the strategy shall include details of how HGV movements will be managed to ensure that no layovers or waiting will occur on the highway and shall set out design and operational proposals for servicing and the storage, transfer and collection of goods and waste ensuring that appropriate arrangements are made and that logistical requirements are appropriately considered and addressed. The strategy shall be subsequently implemented in accordance with the approved details.

Reason: To ensure that adequate on-site provision is made for servicing and waste management collection including allowance for the storage, transfer and collection of waste to reduce impact on residential amenity and the general amenity of surrounding occupiers.

A scheme for the provision of electric vehicle charging points, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be provided prior to first occupation of each unit and retained as such thereafter.

Reason: To ensure that appropriate provision for current and future electric and electric/hybrid vehicles and encourage more sustainable means of transport.

5.2 **ECOLOGY OFFICER:** I have considered the Preliminary Ecological Appraisal for this site dated 29th October 2024, and in general I support the methodology and conclusions of that document. The potential presence of widespread reptile species such as Slow-worms on site should have been considered, but bearing in mind the site previously housed industrial units, and there isn't any nearby habitat to allow colonisation, I think it unlikely that such species will occur.

I have no objection to the Green Infrastructure Statement, which refers to the soft landscaping proposals and to the recommended Swift nest boxes and bat boxes. Implementation of this

document should be secured by planning condition. Any site clearance should consider the likely presence of nesting birds in the scrubby vegetation present. Nesting birds are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), whereby it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

I support any comments made by the Trees & Woodlands Officer and the Landscape Officer in relation to protection of the existing trees around the site.

NRW have requested a CEMP condition, and a series of other conditions relating to pollution prevention. I do not agree that there is likely to be a significant effect upon the River Usk SAC resulting from construction of these proposals, but for the purposes of an Appropriate Assessment, if we attach these conditions to any consent then there will be no adverse effect on the integrity of the SAC in my view.

- 5.3 **TREE OFFICER:** The objections remain. The RPAs do not appear to be accurately plotted on the submitted Treescene Tree constraints plan this is unacceptable, and revisions are required. Re previous Tree Officer comments 23 November 2024:-

“There are design conflicts with the existing street trees for example the increased RPAs (Root Protection Areas) which will extend well into the proposed site as tree roots will not be under the highway area ie where the proposed building is (Robinia?) and where the proposed car parking is (2x lime trees)”

Furthermore, the above ground constraints and the other issues raised in the previous comments 23 November 2024 do not appear to have been addressed.

The NCC trees are a significant constraint, and any design should work around the trees and not vice versa.

The NCC owned street trees are good, well maintained specimen trees and should not be impacted upon because of the proposals and therefore the objections remain.

- 5.4 **LANDSCAPE OFFICER:** Soft Landscape Proposals 1229.01 now Rev C has responded to my previous planting comments. My comment on the Site Plan (steps to bin store) remains, but is insufficient to object to the proposal on landscape grounds:
-The site plan shows residents will need to negotiate steps to access the bin store which is not ideal and not sure this would meet for access for all standards.

- 5.5 **WASTE MANAGER:** We would anticipate that the development requires the following:

For recycling

4x 1100L litre bins for cans plastic and paper and card

2 x 360 litre bin for glass

2x 240 litre bin for food waste

For refuse no recyclables

3 x 1100L

1 x 360L

- 5.6 **ENVIRONMENTAL HEALTH (NOISE AND POLLUTION):** The noise assessment report confirms noise will have a low impact on the residential apartments. I confirm I have no objections to the proposals; however the following condition should be attached to any permission granted;

Construction Environmental Management Plan

No development shall take place until a site specific Demolition and Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison

- Arrangements for liaison with the Newport City Council Noise & Neighbourhood Team
 - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within permitted hours
 - Mitigation measures as defined in BS 5228: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
 - Procedures for emergency deviation of the agreed working hours.
 - Measures for controlling the use of site lighting whether required for safe working or for security purposes.
 - Measures to mitigate demolition dust and material causing a nuisance to local residents, for example sheeting of loads and wheel washing apparatus
- Reason: To protect the amenities of occupiers of other premises in the vicinity.

Advisory - Heating Systems

We encourage the highest practicable standards of building insulation and use of renewable forms of heating (such as ground and air source heat pumps) as opposed to natural gas boilers where possible. This action would contribute to the improvement of local air quality and reduce overall GHG emissions in the long term. The Environment (Wales) Act 2016 requires that Wales reduce its carbon emissions by 80% by 2050, reducing heat loss and the use of natural gas would help contribute towards this goal.

- 5.7 **SUSTAINABLE DRAINAGE MANAGER:** Having reviewed the submitted information, a SAB application will be required. We would encourage the applicant to visit the website for further information, or contact the SAB team sab@newport.gov.uk for further discussions.
- 5.8 **ACTIVE TRAVEL OFFICER:** After review of the Site Plan and Design and Access Statement, it appears that adequate secure cycle provision is to be provided.
- 5.9 **HERITAGE OFFICER:** Thank you for consulting me on this application. Despite there being no heritage assets in the immediate vicinity, there are several glimpses of the George Street bridge from various points along Kelvedon Street, Witham Street and Feering Street. The application proposes a three-storey block of flats which back on to Feering Street. Whilst it should be noted that some of these visuals of the Grade II* bridge would be blocked, I would not consider there to be a direct impact on its setting, thus having no impact on the special interest of the listed structure. The stepping down from three to two storeys on the north-western side allows better incorporation with the street scene, however I do believe this elevation could be improved from a design point of view. Otherwise, from a heritage perspective, I have no objections.
- 5.10 **HOUSING MANAGER:** The proposal for affordable housing (AH) is welcome. There is demand for AH across Newport, in this ward demand is highest for one bedroom accommodation, followed by similar levels of demand for 2,3 and 4 bed accommodation.

The ward has a lower percentage of social rented accommodation than the city average, so would benefit from the provision of good quality homes, particularly for social rent.

6. REPRESENTATIONS

- 6.1 **NEIGHBOURS:** All properties within 50m were consulted (124 properties), a site notice displayed, and a press notice published in South Wales Argus. 33no objections received, summarised below:

-We are appalled by the plan to build 30 apartments and 30 parking spaces here. A Mosque has been allowed with no parking spaces. The parking spaces for GP patients and pharmacy are not enough either. You are aware of the constant parking problems in this area. You are not able to create resident parking for us and you want to cram more people here and thereby cause even greater problems with parking, with transport to the doctor, to the pharmacy, and with safety. It is not normal that after work we have nowhere to park, in the morning we have to run to repark cars, etc.

-The proposal allocates only 30 parking spaces for 30 apartments. Assuming that each household will own just one vehicle is ridiculous. In reality, many households may have multiple cars, and additional spaces will be needed for visitors, service providers, and delivery vehicles. With no contingency in place, this will force vehicles to park on

surrounding streets, worsening current parking shortages and creating more inconvenience for local residents and businesses.

-The development will generate significant additional traffic in an area already burdened by high vehicle usage due to nearby residential properties, businesses, and local facilities.

Kelvedon Street and its surrounding roads are not designed to handle such an increase, leading to more frequent bottlenecks and higher risks of accidents during peak hours.

-Local services, such as the nearby doctors surgery and pharmacy already cater to a densely populated area. The doctors is already at full capacity, and as patients at this surgery we already have difficulty accessing the facilities due to overuse. The addition of 30 apartments will significantly increase demand thereby stretching these facilities even further. This would result in longer waiting times, reduced accessibility, and a decline in the quality of service for existing residents.

-The local schools also need to cater for this densely populated area. A development of this size is likely to have a significant number of children of nursery and school age that would add to the current capacity and we wonder if NCC have checked if there are even any places for further capacity.

-The proposal will replace a large, open, and undeveloped area with a dense housing block, removing valuable green space. While the plan includes a small landscaped area of 196 m², this totally insufficient to offset the environmental and recreational benefits lost. The absence of substantial green space will negatively impact the area's aesthetics, air quality, and overall liveability.

-During construction, heavy machinery, equipment, and workers will create noise, dust, and vibrations, causing disturbance to residents and local businesses. After completion the increased density of people, vehicles, and activities will permanently change the neighbourhoods character, making it noisier and less peaceful for existing residents.

-The area's infrastructure, including roads, drainage, and public facilities, is not designed to accommodate a development of such a scale. The additional population will lead to increased wear and tear on local roads, overcrowded public spaces, and possible service inefficiencies, resulting in long-term issues for the community.

-The proposal does not include specific provisions for visitor or delivery parking which is a major oversight for a residential development of this size. Visitors and delivery vehicles will have no choice but to park on surrounding streets, creating further congestion and potentially blocking access to nearby homes and businesses.

-With an increase in both resident and visitor traffic safety risks for pedestrians and cyclists will rise significantly. The streets surrounding the proposed site are not equipped with traffic-calming measures, clear pedestrian pathways, or additional lighting to ensure the safety of vulnerable road users.

-The multi-story apartment buildings risk overlooking ours and many other adjacent properties reducing privacy for us and other residents. This would negatively affect the desirability and value of nearby homes while altering the neighborhoods intimate residential character.

-Large-scale developments increase the proportion of impermeable surfaces, which can heighten the risk of flooding in areas with inadequate drainage systems. While the plan mentions Sustainable Drainage Systems (SuDS), the lack of detailed information raises concerns about whether they will be sufficient to handle water run-off, especially during heavy rain.

-The proposal includes bin storage, but no detailed explanation of waste collection logistics is provided. Poorly managed waste would lead to overflowing bins, littering, and hygiene issues, particularly in a densely populated environment where timely collection is critical.

-The vacant land presents an opportunity to address community needs such as creating a public green space, additional parking for the area, or recreational facilities for residents. These uses would better aligned with the neighbourhoods existing challenges, rather than introducing a dense housing development that aggravates current issues.

-The development is only providing 30 spaces to include recharge points (which will surely be used for short amounts of time while the vehicle is charging) and 2 disabled spaces (what happens when the residents have more than 1 car?) . You also state that visitors will be able to park in Witham Street which surely must be a joke. My husband and I work shifts and parking is already a nightmare when getting home due to spaces are being used by patients to the doctors surgery and both staff and customers to the pharmacy, along with visitors to the IQRA MASJID & Community Centre on Corporation Road, small business units and the Martial Arts centre rely on parking in Feering Street as well as being used by visitors to the Community Centre.

- We object to the height of the development. 3 floors is 1 floor too many. The development is higher than existing buildings. It will also cause privacy issues with residents of Witham Street. Maybe if it was reduced to 2 floors this would help aid the parking issues - still keeping the 30 spaces as planned for deliveries / visitors).
- The waste area will be near my property. We are really concerned about the smell and attraction of rats which is already a problem in this street. I would worry that I could not open my windows because of the smell.
- In the document it states that there will be pedestrian access from Witham Street to the cycle area. This leads to the communal outside area. If this is not key/thob controlled, it could lead to non-residents using it and more anti-social behaviour in the area which is already a problem.
- We have concerns about the noise and disruption the building work will create due to myself working from home in my office at the front of the house directly opposite the site and by husband needing to sleep in the day time specially with families locally with infants. - Parking availability for the construction workers will also be an additional headache on such a large site.
- A flat carpark to provide extra safe parking in the community for Doctors surgery, pharmacy and religious centre users would be a much better and practical use of the space instead of building a 3 story building not in keeping with the area of only 2 storeys with adding to the issues the area currently faces.
- The construction of the affordable house would have a severe impact on the parking situation in the area. The people who attend the mosque already struggle to find parking and the additional housing will have a severe impact on that.
- It will put more stress on GP Services in the area, which are already at breaking point.
- The access to these apartments will require the removal of at least 3-4 existing parking spaces. This is a short-sighted and poorly thought-out proposal that completely disregards the current parking crisis and the needs of the local community.
- The density of this development is completely out of character with the surrounding area. This neighborhood is predominantly made up of single-family homes, and shoehorning in such a large block of apartments is both visually intrusive and disruptive. It will fundamentally change the character of the area, making it feel overcrowded and overdeveloped.
- The increased traffic caused by 30 new households will create significant congestion on roads that are already overburdened. Its clear there has been no real thought given to how this development will impact existing residents. If this planning permission is approved, it will demonstrate a complete disregard for the wellbeing and needs of the local community.
- Building work will create noise and mess, and more people living in the area will make it busier and noisier.
- Replacing open land with buildings and concrete might cause drainage problems and increase flooding.
- The area has long struggled with waste management and fly-tipping, problems that remain unresolved and will only worsen with additional pressure on local resources.
- This development risks creating divisions between existing residents and new occupants, which could harm the cohesion and morale of the neighborhood in the long term. While the financial gain for developers is clear, the overall quality of life for those who have lived and breathed in this community will suffer greatly. I strongly urge the relevant authorities to reconsider the plans and prioritize the well-being of the existing community over financial interests.
- This place is suitable for Car Park not for Residence Flats. This place is always overcrowded because there is no parking facility available. If you want then build a small Aldi, Lidl, or Small Tesco store. In this area, there is no store like Aldi, life, or Tesco.
- I agree with the report regarding the trees and believe as objected to in the reports should not be damaged. Failing to address this further could risk houses and cars in the area damaged due to safety issues of damaged roots which would be wide spread due to the age of the trees mentioned.
- The timing of this letter was poorly managed sent out - took 4 days to reach us and with a bank holiday weekend to consider - not really allowing a great amount of time to be able to reply.
- Regarding the waste area and cycle storage area, the bins will still need to be put out, weekly for recycling and 3 weekly for general waste. Who will be responsible for this? If the recycling is not entered into the correct bins Wastesavers will refuse to collect it as it is contaminated. This will lead to an even bigger rat problem than we already have in the

surrounding area.

-I am concerned about pedestrian access to the development close to the houses in Witham and Feering Street which leads to the recreational area. Anyone would be able to enter the main entrance on foot and open the gate to let other people in which will encourage even more anti-social behaviour. Residents cannot be expected to police this as it could be potentially very dangerous for them to confront strangers.

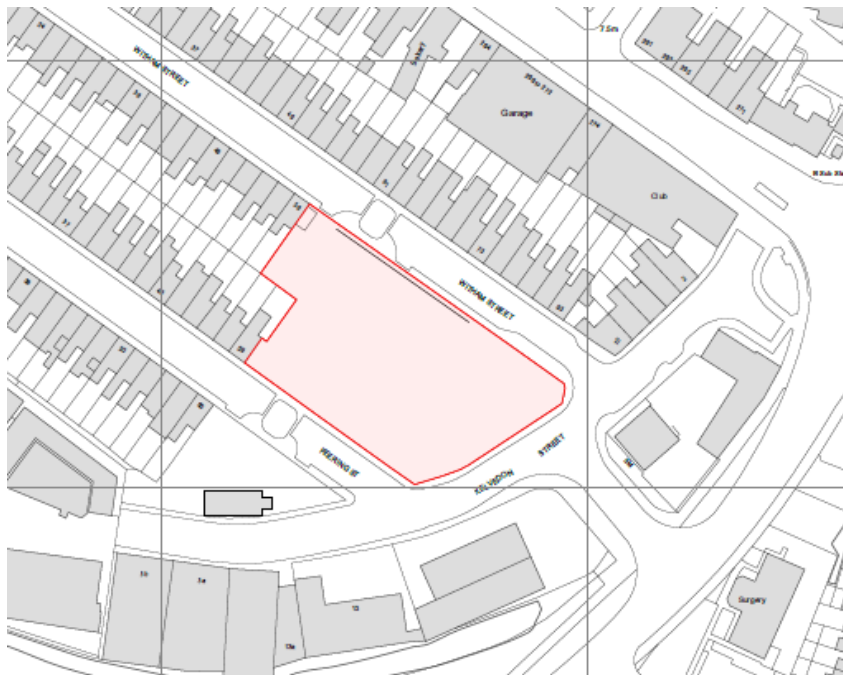
-How can contractors be expected to park on site if it has to be excavated?

-The contaminated waste is also of great concern.

6.2 COUNCILLORS HUSSAIN AND HORTON: No response received to date.

7. ASSESSMENT

7.1 The site is a broadly rectangular shaped parcel of land. The overall area of the site is 2.523m² (0.25Ha, 0.62acres). This gives an overall site density of 120 units per hectare (48 per acre), which is in excess of the minimum density required by Policy H3 (Housing mix and Density) of the LDP which is 30 dwellings per Ha. It should be noted that the LDP does not specify a limit to density and aims to ensure that land is used efficiently. The site is bounded by Witham Street to the north-east, Kelvedon Street to the south-east and Feering Street to the south-west. To its western end the site adjoins existing terrace properties in Feering Street and Witham Street, with a side-on relationship. As noted above, neighbouring land uses are predominantly residential with the exception of a small light industrial/commercial estate to the south-west (opposite the site) and a Doctors Surgery and pharmacy to the east on Kelvedon Street. IQRA MASJID & Community Centre is located to the north east of the site on Corporation Road. The topography of the site is generally flat with the exception of some spoil heaps remaining from the clearance of the former buildings. The site location can be seen below:



7.2 The proposed layout would include the apartment building sited to the south of the site fronting Feering Street and side-on with no.59 Feering Street. Vehicle access would be via a ramp from Kelvedon Street leading to a raised parking area accommodating 30no parking spaces. The vehicular ramp from Kelvedon Street has been designed to be a shared vehicle and pedestrian space, with vehicles slowed down by the shape of the ramp, although it is not anticipated that it will get significant pedestrian usage. To the north-west of the site would be a communal amenity area to include landscaping and paving. Areas of rain gardens and areas for SUDs drainage are provided around the site. In total 580m² of the overall site (23.0%) will be biodiversity areas. A full landscape scheme accompanies the application. The dedicated amenity space accounts for a further 196m² (8%) of the site area. A bicycle store is proposed to the south-west. A communal bin storage building would be sited to the north-eastern corner near to the junction with Witham Street and Kelvedon Street.

- 7.3 The apartment building would measure approximately 48m in length, 18m in depth and 10.6m in height. Visuals of the front and rear of the proposed building can be seen below:



- 7.4 The main building access would be via Feering Street with two entrances to the building at pavement level. Secondary access is provided to the rear of the building from the carpark. The minimum finished floor level of the apartments would be raised to 8m AOD for reasons of flood risk (existing site levels range from 6.57 – 7.04mAOD). Further detail of this is provided later in this report.
- 7.5 Residential properties in the vicinity are predominantly two storeys high and of a traditional terrace style arranged in a linear fashion. To the south-west located between the site and the River Usk, there are more modern housing estates which have been developed in the last 30 years. In contrast to the traditional terrace dwellings, the proposed apartment building is three storeys in height in part and of a significantly greater massing. Officers must consider the appropriateness and acceptability of the proposals having regard to all relevant considerations. The site is currently vacant having formerly been occupied by a commercial printers. It is unkept and has been subject to fly tipping despite being surrounded by palisade type fencing and in its current state offers little value to the area in terms of visual amenity. The introduction of a residential use is more in keeping with the character of the area and conducive to neighbouring residential development and this merit of the scheme must be afforded significant weight in the decision making process along with the affordable nature of the proposed units. A recent image of the site taken from Kelvedon Street can be seen below:



7.6 **Design**

A flat roof with mansard design is proposed to avoid the bulk and massing that a pitched roof would create. To further reduce the perceived scale of the building, the top floor would be clad with a dark metal cladding system to create the sense of a roof and the impression of a two storey building with accommodation in the roof. The building reduces in height to two storeys adjacent to no. 59 Feering Street with a distance of just over 5m between the side elevation of the building and the side elevation of no.59. This stepping down in scale affords better visual integration with the existing terrace and mitigates risk of the new build appearing overbearing, unduly dominant or jarring along the Feering Street scene. The façade of the building would feature projecting dormer balconies which along with a variation in materials; namely red facing brick plinth, white render, metal cladding for roof (extending to the upper floor façade and stairwell) would break up the expanse of the building façade and add architectural articulation. Windows will be grey powder coated aluminium to compliment the vertical cladding to the upper floor. Solar panels are proposed on top of the flat roof of the building but these will not appear obtrusive or visually dominant. The render proposed is silicone based which is self cleansing and does not suffer from the staining associated with cement based renders.

- 7.7 The design of the building has been improved during the course of the application consideration with negotiations to enhance prominent elevations and layout. In addition, the layout has been revised to increase the size of the communal amenity space and generally improve the overall coherence. The Council's Heritage officer's observation refer to the north west elevation of the building which she considers could be improved from a design perspective. While the comments are duly noted, this elevation would be side-on with no.59 Feering Street and is not prominent when viewed from the street scene. The relationship of the development to wider vistas of the listed George Street bridge is considered acceptable and the setting of the listed bridge is not demonstrably and adversely impacted.
- 7.8 As noted above, to the front of the building, two pedestrian entrances would be reached via Feering Street. Pedestrian access would also be provided to the rear of the building from the parking area. A central hallway on all three floors would provide access to the apartments with half of the apartments orientated towards Witham Street and the other half towards Feering Street. As noted above, all of the apartments would have balconies off of the lounge/dining areas. The provision of balconies is in accordance with the Council's New Dwellings SPG and is crucial to the acceptability of the scheme in this instance given the absence of any alternative, beneficial amenity space to serve the occupants.
- 7.9 Whilst it is acknowledged that the scale and massing of the development is larger than neighbouring development, this does not necessarily mean it is unacceptable. The site is currently vacant and does not contribute positively to the amenity of the street scene or character of the area. It is located close to residential properties but also to established industry and community facilities. It is sustainable and within the urban area where the

presumption is in favour of development unless material considerations warrant a negative decision. The site history confirms that previous residential schemes on this site have been resisted for reasons of over development leading to overbearing effect and adverse visual impact, failure to address flood risk constraints and failure to address section 106 expectations. In this case, the building is 3 storeys (compared to the 5 storey building dismissed at appeal previously (16/0665)) and incorporates set offs and a step down to tie into existing properties at Feering Street. Its overall scale is not unduly jarring or overbearing in the streetscene for these reasons and whilst it will clearly appear as a modern addition, the immediate environs include a variety of building styles and uses and the scheme will incorporate space around the built elements to soften its visual impact and arguably improve the local streetscenes compared to the overgrown, pallisade fence enclosed, derelict industrial site that is currently visible. The proposed apartment building has not sought to replicate the design or appearance of neighbouring development, in part due to the flatted nature of the accommodation that is sought and viability matters which is a material consideration, the proposed building would still be of a good quality design and will favourably infill this underused area of urban land. Overall, the scheme will have an acceptable impact upon the appearance and character of the area and subsequently accord with policy GP2 of the LDP and support the aims of policies SP1, SP18 and SP10.

- 7.10 With regards to design, balconies are not characteristic of the traditional style dwellings in the vicinity of the site, but in this case are a welcome addition, adding architectural features and private amenity space for future occupiers in accordance with adopted SPG. The glass balustrades are considered to contrast pleasantly with the other proposed materials. The projecting balconies will be read as an intrinsic part of the design of the building as opposed to ad-hoc additions and it is not considered that these features will result in an adverse impact to the amenity of the area. The design of the building is similar to a flatted scheme approved by the Planning Committee in 2024 at the former Gwent Car Sales site on Crawford Street and is submitted by the same applicant. That scheme included the development of a commercial site for 30 apartments in an area surrounded by traditional terrace style dwellings and it is understood is currently under construction.
- 7.11 Due to the requirement to raise the site levels in the interest of flood risk retaining walls are required to the rear and the vehicular access to the parking area would be ramped. No retaining walls are required to the front of the site along Feering Street. The pavement level of Witham Street is shown to be circa 6.9m and the car park level is 7.72m. Site sections show a retaining structure between the two levels with an Armco vehicle barrier above and a 1.8m hit and miss timber fence along the entirety of the parking area with planting to the Witham Street side of the boundary to soften the impact. This boundary treatment would screen vehicle headlights towards properties opposite in Witham Street and with the intervening green space the retaining feature would not appear dominant or unsightly. It would be comparable height to the existing pallisade fencing that surrounds the site. Sectional details at the Witham Street boundary show the perimeter enclosure set off the back of pavement, separated by a shallow sloped banked verge with a double row hedge proposed. The ramped vehicular access would be viewed as you approach the site from Willenhall Street. Areas of soft landscaping are proposed either side of it which would help to soften and reduce its impact. In terms of other boundary treatments, 1100mm high powder coated metal bow topped railings are indicated to the front boundary with Feering Street and to part of the Kelvedon Street frontage, continuing around the corner to part of Witham Street and along the site frontage adjacent to no. 56 Witham Street. This is welcomed to define defensible space forming part of the proposals and will offer an attractive form of boundary treatment compared to the existing palisade fence.
- 7.12 The location of the bin store has changed during the course of the application in order to improve the layout and subsequently it would be sited near to the junction of Witham Street and Kelvedon Street. As a result the store would be a prominent feature as you approach the site from Willenhall Street. Due to its prominence officers have obtained full details prior to determination. The structure will be clad with a cedar board cladding and will have a green (sedum) roof. In relative terms, whilst prominent, the building is not of significant scale and will be set off site boundaries, separated from existing pavements by landscaped verge. A building enclosure is welcomed in principle for waste storage as will screen waste receptacles and offer an organised point of enclosed storage that will minimise risk of ad hoc bins and

boxes around the site or prominent lines of waste receptacles.

7.13 **Amenity**

As previously noted, the proposed building is considerably larger than neighbouring buildings and has potential to result in an increased/altered impact in terms of neighbouring impact. The nearest neighbouring properties are no. 24 Feering Street and no.56 Witham Street which adjoin the site, both having side-on relationships.

- 7.14 The proposed building reduces in height from three to two storey adjacent to 59 Feering Street with a distance of approximately 5m between the side elevation of the apartment building and the side elevation of 59 Feering Street. Furthermore, the distance between the apartment building and the rear garden serving no. 59 increases to approximately 6m as the proposed apartment building footprint is stepped in and therefore part of it is set further from the intervening boundary. The relationship between the proposed building and no. 59 Feering Street is illustrated below:



Elevation to Feering Street (South West Facing)

- 7.15 In terms of any potential light impact to this property and having regard to the light tests as set out in the New Dwellings SPG, there are no windows in the side gable elevation of no.59 Feering Street, as can be seen from the image below:



- 7.16 However, there are windows in the rear projecting annex as indicated in the image below:



The SPG states: "Due to the established layout and acceptability that properties can be positioned closer side by side, the 25° test on a side facing protected window is considered to be too strict to satisfy. Therefore, to consider the impact of a proposed development on a protected side window, a 45° test will be applied. The consideration here is not only on the loss of light, but of overbearing as well.

- 7.17 The proposals would comply with the 45 degree light test in relation to the window in the side elevation of the rear annex of no.59. Taking account of this and the way in which the building has been designed to reduce in height adjacent to this property and stepped in as it extends to the rear of the site, this relationship is considered to be acceptable. Three windows are proposed in the side elevation of the building adjacent to no.59 (one on each floor). The windows would serve the communal hallways and whilst located over 6m away from the side garden boundary of the property it is considered that a condition requiring the windows to be obscure glazed is warranted in the interests of neighbouring amenity. A cycle store is proposed to the side of the apartment building, approximately 4m away from the side boundary of the garden serving no.59. The cycle store would be 2.1m in height with a flat roof and this structure is not considered to result in an adverse impact to the privacy or amenity of the occupants of no. 59. The proposed apartment building would be sited to the south-east of no.59 and subsequently its impact in terms of shading of no.59 will be limited to earlier on in the day during winter months.
- 7.18 Turning to the relationship with no. 56 Witham Street, there would be no buildings adjacent to this property, however a communal amenity space is proposed directly to the side of it. There are windows in the side elevation of 56 Witham Street which are orientated directly towards the amenity space (one at ground floor and two at first floor). These windows are not original and have been installed within the last five years, possibly since demolition of the neighbouring industrial units. The property is believed to be in use as a HMO with planning permission granted in 2023. The windows are secondary and the rooms they serve also benefit from primary windows. At present the windows face the derelict site with the boundary being the gable wall of the existing property. Windows installed appear to open out over the site and being new additions on the gable wall abutting the site can reasonably expect to be compromised by any future development that takes place. In this case, the space will remain open, available to future occupiers of the site as a level amenity space with associated landscaping accessed via a gate.
- 7.19 There would be a distance of over 30m between the building and properties opposite the site in Witham Street which exceeds the Council's standards of 21m window to window and there are commercial/industrial premises directly opposite the site on Feering Street. Whilst the concerns of neighbours are noted in this regard, as is the height of the new building and presence of balconies, the distance between the rear of the proposed building and the front of Witham Street properties is sufficient and will have intervening parking and boundary enclosures further restricting intervisibility or demonstrable loss of privacy.
- 7.20 The introduction of a residential use is more in keeping with the character of the area and conducive to neighbouring residential development. The fact that it will re-use a vacant urban site, is infill in a sustainable location, will contribute windfall residential units and facilitate urban regeneration must all be afforded significant weight in the decision making process.

The scheme accords with policies SP1, SP10 and SP18 of the LDP.

- 7.21 In terms of the amenity of the future occupants of the apartments, the apartment sizes accord with the Council's New Dwellings SPG which specifies minimum desired standards for gross internal floor space as 43m² for a one bedroom apartment with common access and 59m² for a two bed apartment with common access. The apartments would have 47.9m² and 59.6m² internal floor space respectively. The SPG also specifies desired standards for communal amenity space of 11m² per person. The layout falls short of this at approximately 5.8m² per occupant. However, each apartment would benefit from a balcony. The SPG recognises balconies as providing beneficial amenity space. The table below sets out the required dimensions for balconies which the scheme is in accordance with:

<i>Type of home</i>	<i>No. of beds</i>	<i>Type of amenity space</i>	<i>Desired space</i>
Flat	1	Balcony	1.50 square metres (depth) x 1.50 square metres (width)
Flat	2	Balcony	1.50 square metres (depth) x 2.00 square metres (width)

- 7.22 The SPG states that physical and financial constraints sometimes prevent a development from providing on-site communal amenity space and states that in such circumstances, the Council may seek contributions towards the improvement and/or provision of local public open space (in addition to standard planning contributions). However, on site open space is provided in this case alongside private amenity space for future residents and the site is located in a sustainable location with walking distance access (along Witham and Feering Street) to the riverside walkway and associated recreational riverside environment. The shortfall in on site open space in this case is not reason to refuse permission.
- 7.23 On balance, taking account of the fact that the internal space complies with the Council's standards and the above points, the development would provide a good standard of amenity for future occupants and complies with policy GP2.
- 7.24 As previously noted, the proposals include a communal bin store to be serviced via Witham Street. The Council's Waste officer has provided details of the number and size of refuse bins that are required and the bin store would exceed this. The bin store is within the permitted travel distance from the building entrance as per the Council's Waste SPG which specifies a maximum distance of 30m whereas the bin store is within 15m walking distance. Communal arrangements for waste are common with apartment buildings such as this. Notwithstanding, the Council's Highways officer has requested a waste management plan to be submitted for approval to ensure somebody is identified and responsible for transferring bins to and from on collection day as the bins are shared. In accordance with Development Quality Requirements (DQR) there is allocated storage space within the kitchens for waste and recycling.
- 7.25 The application includes an acoustic survey given the proximity of the site to commercial uses. The report has been done in accordance with British Standards (BS4142:2014) and confirms that no special measures are required to control ambient noise levels. The site is assessed as falling under NEC A of TAN11, the lowest category. Standard glazing and trickle ventilators are considered acceptable. The baseline noise level comes from low level distant traffic noise, with no significant noise coming from the nearby industrial units. No objection is offered by the Council's Environmental Health officers on the basis of noise.

7.26 **Highways**

The proposals include the provision of 30no parking spaces at the rear of the site accessed via a ramp off of Kelvedon Street. This number of parking spaces is less than the Council's Parking Standards which specifies one space per bedroom to a maximum of 3no spaces. There is also a requirement for visitor parking provision. However, the SPG allows for a reduction in parking provision to one space per bedroom where it can be demonstrated that the site is sustainable.. The Council's Highways officer has reviewed the sustainability assessment and advises that whilst there are some inconsistencies, Highways are agreed that the site is sufficiently accessible for a 1:1 parking ratio to be acceptable. A series of surveys have also been provided to show that visitor parking can be accommodated on street

at various times. Furthermore, the site is located within a highly sustainable area a short walk from the Corporation Road District Centre which offers a variety of shops and services and public transport links.

7.27 Existing parking problems and concerns regarding a worsening of the existing situation and subsequent highway safety matters have been raised as significant concerns within the resident objections. Existing commercial operations appear to be causing some of the perceived issues along with the absence of off road parking for the neighbouring residents. Peak residential parking demand is likely to be when nearby commercial or industrial units are closed. Notwithstanding, the Council's Highway officer does not object and the site is located within a highly sustainable location. The Inspector on the past appeal decision on this site for a five storey block of 52 flats (16/0665) determined that "based on the location of the site reasonably close to the town centre and the small size of the flats proposed, it is common ground that 1 parking space per flat would be sufficient...but the Council argues that 11 spaces should be provided [for visitors] to meet its supplementary planning guidance standard. Without this, it says parking would be likely to take place on the surrounding roads where there is already a high demand for parking, to the detriment of the amenity of existing residents. However, I note that the Council's Highways Officer raised no concerns on grounds of safety, and it is not disputed that most people living in flats in Newport do not have a car. Thus, I consider it likely that the provision of 58 spaces for 52 flats would be more than adequate for this location. There would be no policy conflict in this respect." Whilst officers consider certain assumptions are made in this decision that are not necessarily supported by evidence, the 1:1 ratio of parking space to flat is agreed, no objection is raised by the highways officer and supporting information demonstrated that on road parking, albeit in demand, can acceptably accommodate the visitor parking expectation of 6 spaces (as per SPG).

7.28 The applicant has submitted details of a cycle storage on the plans, to the side of the building. The provision of secure cycle storage in accordance with local and national planning policy and can be secured by condition.

7.29 The Council's Highways officer has requested conditions are included to require further detail relating to electric vehicle charging points, cycle storage, refuse management pedestrian access from Kelvedon Street. A condition to require the submission of a Travel Plan is also requested. While a Travel Plan has been submitted with the application, the document is labelled 'draft' and refers to information to be submitted "in the final Travel Plan" inferring that the document is incomplete. In this case, with the site being sustainable and no parking related objections, a Travel Plan condition is not considered necessary.

7.30 **Flood Risk**

NRW Flood Risk Map confirms the site to be entirely a Defended Zone. The site is in Zone C1 on the former DAM Maps. The recently emerged replacement TAN15 (31st March 2025) confirms that a Flood Consequences Assessment is required for any development proposal located fully or partly in Flood Zones 2 and 3 but the accompanying Dear Chief Planning Officer letter also stated that existing applications submitted before its introduction should be considered against the old TAN 15 for an 8 week period following its introduction.

The Flood Consequence Assessment will help the planning authority determine whether the risk and consequences of flooding are acceptable and can be appropriately managed over the lifetime of development. The assessment can also be used to establish whether appropriate avoidance or mitigation measures could be incorporated within the design of the development to ensure that over its lifetime, development minimises risk to life, damage to property and disruption to people living and working on the site and does not increase flood risk elsewhere. The TAN also sets out the tolerable conditions (rate of water rise, speed of inundation etc) and an FCA should provide Authority's with details of how the development would comply/compare with these.

7.31 Both the old and new TAN15 classifies residential development as highly vulnerable development. The old TAN 15 stated that development should only be permitted within DAM Zone C1 if determined by the LPA to be justified in that location. Development 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 settlement¹; **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;
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 section 11 of the TAN and found to be acceptable.

- 7.32 NRW have reviewed the FCA accompanying the application and advise that the FCA shows that the risks and consequences could be managed to an acceptable level, provided the submitted FCA is included within the approved plans and documents condition.
- 7.33 The submitted FCA states that existing site levels range from 6.57 – 7.04mAOD (a high point of 8.99mAOD associated with rubble tipping on site is also noted). The maximum predicted flood level during the 0.5% (1 in 200) year event (including climate change allowance) is 7.37mAOD. During the 0.1% (1 in 1000) year event (including climate change allowance), the maximum predicted flood level on site is 8.31mAOD. Therefore the site is at risk of flooding.
- 7.34 In order to mitigate the predicted flood risk on site, the proposal involves the raising of site levels to 8mAOD within the area proposed for residential use and 7.72mAOD within the proposed car parking area. As a result of the proposed land raising, the FCA states that the accommodation and parking areas will remain flood free during the 0.5% (1 in 200) year event (including climate change allowance). This complies with Section A1.14 of TAN 15. Furthermore, during the 0.1% (1 in 1000) year event (including climate change allowance), the site is predicted to flood to a maximum depth of 310mm for the residential areas and 590mm for the car parking area. These flood levels remain within the tolerable limits set out within TAN15.
- 7.35 For the purposes of this report, criterion (i) to (iii) are referred to as Test 1 as this relates to the site justification and criterion (iv) which has a number of tests is referred to as Tests 2 to 12.

Justification

- 7.36 **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**

Located within the settlement boundary, Officers consider that the development is necessary as part of a local authority strategy required to sustain an existing settlement.

- 7.37 **It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1)**

PPW defines previously developed land as:

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage of the development is included, as are defence buildings, and land used for mineral extraction and waste disposal where provision for restoration has not been made through development management procedures.

- 7.38 The proposal satisfies this test and meets the definition of Previously Developed Land.
- 7.39 The new TAN15 states that whether a development should proceed or not will depend upon whether the consequences of flooding can be safely managed, including its effects on flood risk elsewhere. There are requirements that must be in place for any development that is permitted to be located in flood risk areas. In all circumstances, developers and planning authorities should ensure the following conditions are met:

Acceptability criteria for flooding consequences
No increase in flooding elsewhere
Occupiers aware of flood risk
Escape/evacuation routes present
Flood emergency plans and procedures agreed and in place
Flood resistant and resilient design
Acceptable consequences for type of use

- 7.40 The FCA states that, due to the near limitless volume of tidal inundation that would be experienced, the proposed development is unlikely to impact upon flood risk elsewhere. NRW agree with this statement and consider the development to accord with A1.12 of TAN15.
- 7.41 The applicant can be notified of flood risk by way of an informative to the planning consent.
- 7.42 In terms of access/egress the FCA states that in the 2123 0.1% AEP event access and egress to and from the site could become restricted and potentially hazardous and in exceedance of the tolerable conditions set out in the TAN. In this event flooding across the city would be widespread, meaning that almost any travel across the city would encounter hazardous floodwater and as such be strongly advised against. However, as tidal storm surges are slow moving metrological events, storm surges are typically forecast days in advance. This means that effective flood warnings are provided with at least 48 hours in advance of flooding. This allows time to notify residents and encourage them to take appropriate action. As the site is only at flood risk when allowing for many years (>75years) of climate change, it can be reasonably assumed that flood forecasting and warning will be further improved in the future.
- 7.43 In summary, the FCA has demonstrated that based on the proposed finished ground levels, the development is predicted to be flood free and it includes an assessment of the 0.1% (1 in 1000 year) event including climate change allowance (CCA) over the life time of development. Access and egress routes generally have low velocities but many roads will become unpassable and unsafe.
- 7.44 It should also be noted that as the nature of the flood risk is tidal there is likely to be advanced flood warning time of 24-48 hours. The flood depths and velocities are shown to be low.
- 7.45 Given that the accommodation is predicted to remain flood free and NRW raise no objection it is considered that the proposals are acceptable in flood risk terms and accord with policies SP1 and SP3 of the LDP.
- 7.46 **Biodiversity:**

The application is accompanied by a Preliminary Ecological Appraisal. The Council's Ecology officer advises that, in general the methodology and conclusions of the document are supported. No objection is offered to the soft landscaping proposals and to the recommended Swift nest boxes and bat boxes which will provide net benefit for biodiversity resulting from development in accordance with PPW.

- 7.47 The River Usk SAC and underpinning Lower Usk Site of Special Scientific Interest (SSSI) is located approximately 200m to the south-west of the site. In relation to biodiversity considerations NRW have advised that harm from the proposed development on the River Usk SAC cannot be ruled out, particularly during the construction phase. NRW recommend that a CEMP condition should included with any forthcoming planning permission. Provided the development is carried out in accordance with the conditions, NRW do not consider that it will adversely affect the integrity of the SAC.
- 7.48 As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), the authority must, before deciding to give consent for a project which is likely to have a significant effect on a SAC, either alone or in combination with other plans or projects, make an appropriate assessment of the implications of the project for that site in view of its conservation objectives. An Appropriate Assessment has duly been carried out

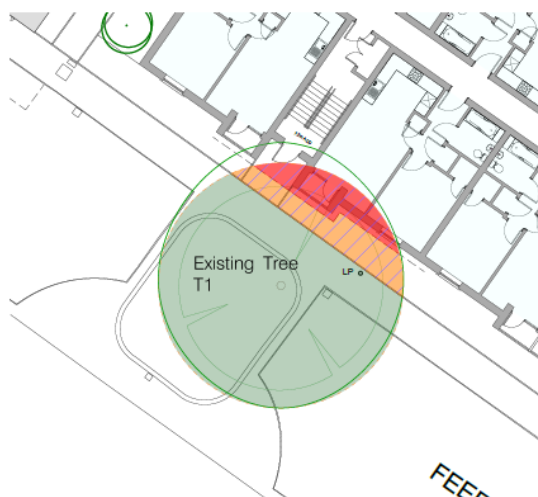
and NRW have been consulted. NRW advise that they have no adverse comments on the application.

7.49 The appropriate assessment is an appendix to this report.

7.50 **Trees**

The site does not contain any trees, however there are Council owned trees in close proximity on Witham Street and Feering Street. The trees are to be retained but the Council's Tree officer objects on the basis of the proposed development being too close to the trees.

7.51 An Acacia Tree on Feering Street is reported to be in fair condition. There is a further Acacia Tree in close proximity to 59 Feering Street (T2) which is to be removed due to the unsuitable location by reason of close proximity to the dwelling. No objection is offered by the Council's Tree officer to the removal of this tree. There are two Lime Trees on Witham Street reported to be in good condition. With the exception of the self-seeded Acacia Tree adjacent to no.59 Feering Street, the trees are to be retained. The Council's Tree officer raises concerns and objects on the basis of encroachment on two of the trees. T1 is affected by the building and T2 is affected by the car park as the diagram below illustrates. The red area shows where the suggested Root Protection Areas would be directly impacted/damaged by proposed excavation and/or construction of foundations. This is limited to 8.% of the overall RPA area:



7.52 The Root Protection Areas of the trees will largely be unaffected and there is no reason to

believe that the encroachment above will lead to the loss of the tree(s). There is likely to be pressure to reduce the above example by reason of potential conflict of branches and windows but the tree on Witham Street which appears a more attractive specimen in terms of its form, will be able to mature next to the parking area with less pressure for cutting back. The landscaping scheme includes 15 additional trees to be planted around the site. These are a range of indigenous species and are extra heavy standards which will ensure that they establish quickly. On balance, having regard to the significant merits of the proposals which include the redevelopment of a brownfield site for affordable housing and the provision of 15 new trees, the proposals are considered to be acceptable in terms of tree impact.

7.53 Landscaping

The application is accompanied by a Green Infrastructure statement which sets out how green infrastructure has been incorporated into the site and how a step-wise approach has been applied in accordance with PPW12. As noted above, the proposals include details of soft landscaping which includes the provision of 15 new trees, hedges and extensive low level planting. The Council's Landscape officer has been consulted and confirms the proposals to be acceptable from a landscaping perspective with new landscaping offering significant visual amenity benefits.

7.54 The existing vacant site offers no soft landscaping other than some low quality scrub. In contrast to this, whilst the site will be occupied by a large apartment building it is considered that the landscaping will offer beneficial greenery to the site and local environs.

7.55 Section 106 Planning Obligation matters

Summary

In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location.

7.56 Ordinarily affordable housing is exempt from contributing towards leisure and education planning obligations. However, in order to safeguard any future Council infrastructure liabilities, there is a requirement to provide a S106 legal agreement in the event that any of the dwellings are sold or rented on the open market. Prior to commencement of the development, the Owner and/or Developer will notify the Council in writing of the number and type of dwellings which are to be 'open market' dwellings. As such, the following formulas would apply:

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
Regeneration and Economic Development	Provide a minimum of 20% affordable dwellings on-site	Provide a minimum of 20% affordable dwellings on-site (mix and type to be agreed with the Council prior to commencement). Alternatively, in exceptional circumstances, an off-site commuted sum could be sought (if agreed by NCC - Housing) for the	Full Heads of Terms agreed	No

		provision of affordable housing for the City of Newport. Affordable Housing Sum will be index linked to the RPI and paid prior to occupation of 50% of the development		
Education	Financial contribution towards secondary education	£29,741		
	Financial contribution towards Primary education	£19,034		
Leisure	Financial contribution towards equipped, informal and formal play provision	Number of one bed 'open market' dwellings x £2,218 = Leisure Sum Number of two bed 'open market' dwellings x £4,345 = Leisure Sum		

Fees

Administration Fee

The Council charges an Administration Fee for progressing and subsequent monitoring of S106 planning agreements. The fee is calculated on the basis of 2% of the total financial contribution being sought under the agreement, or 20% of the planning application fee, whichever is the greater, subject to a minimum fee of £200. Fee to be paid prior to commencement.

The applicant has confirmed agreement to the Heads of Terms.

7.58 **Drainage**

The applicant confirms that a detailed Drainage Strategy and design has been commissioned and will be submitted as an application to the local SAB in conjunction with the Full Planning application.

7.59 Both Dwr Cymru – Welsh Water and the Council's Highways officer has requested drainage related conditions which are duly imposed.

7.60 **Other Matters**

As noted above, comments and objections have been received from neighbouring residents and where material planning considerations have been raised, the comments been

addressed throughout this report. Objections have been received relating to noise and disruption from the development phase if planning permission is forthcoming. Construction noise and disturbance is rarely a legitimate reason to withhold planning permission. It is temporary in nature and the LPA can seek to limit noise and disturbance by use of appropriate CEMP conditions.

8. OTHER CONSIDERATIONS

8.1 ***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.

8.2 ***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.

8.3 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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

8.5 ***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.

8.6 ***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.

9. CONCLUSION

9.1 The proposals are for residential accommodation of an affordable nature on a brownfield site in the urban area and have considerable merit. The scheme is considered to be of good

quality design and acceptable layout. Furthermore, it has an acceptable relationship with existing neighbouring development and the proposals are not considered to result in an adverse impact to neighbouring privacy or amenity, or to the visual amenity of the area.

- 9.2 The accommodation will provide an acceptable level of amenity for future occupiers and would be flood free for the lifetime of development in accordance with TAN15 and NRW raise no objection to the development.
- 9.3 The development would provide an acceptable level of off road parking and amenity space for future occupiers.
- 9.4 It is recommended that the application is granted subject to the following conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS AND SUBJECT TO A SECTION 106 LEGAL AGREEMENT WITH DELEGATED AUTHORITY TO HEAD OF REGENERATION AND ECONOMIC DEVELOPMENT TO USE DISCRETION TO REFUSE IF NOT SIGNED WITHIN 3 MONTHS OF A RESOLUTION

01 The development shall be implemented in accordance with the following plans and documents: 1660PL1-04 E Proposed site plan, 1660PL1-05 B Proposed floor plans, 1660PL1-06 F Proposed elevations, 1660PL1-10B RPZs, 1660PL1-11 Bin & Bike store, 1660PL1-DAS-Rev5 Design & Access Statement, 1660PL1:GIS rev 2 GIS, 24.7482_ENS1 Environment Noise Assessment, OCA-JBA-XX-XX-RP-Z-0001-S0-P01- _FCA Flood Consequence Assessment, 1229.01 B Soft Landscape proposals, R01 A Landscape management plan, 16.09.24 Kelvedon Street, Newport Tree survey, Tree Constraints Plan A3 Kelvedon Street, Newport Tree constraints plan, SE158-PEA Preliminary Ecology survey.

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- commencement conditions

02 No development, shall commence until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project (to perform a Watching Brief) for the duration of the development and who shall be responsible for –

- (a) Pre construction site meeting
- (b) Signing off the tree root protection barrier
- (c) Oversee working within any Root Protection Area including landscaping;
- (d) Reporting to the Local Planning Authority;
- (e) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Council's Tree Officer.

Reason: To protect important landscape features within the site in accordance with Policy GP5 of the NLDP.

03 No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.

- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption and wastewater.
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction in accordance with Policy GP5 of the NLDP.

04 No development, of land known to be / suspected of contamination, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:
 - i all previous uses
 - ii potential contaminants associated with those uses
 - iii a conceptual model of the site indicating sources, pathways and receptors
 - iv potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination in accordance with Policy GP5 of the NLDP.

05 No work shall be commenced on the construction of the approved scheme 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 completed using the approved materials prior to first occupation of any apartment.

Reason: To ensure that the development is completed in a manner compatible with its surroundings in accordance with Policy GP6 of the NLDP.

06 No works shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of demolition/construction has been submitted to and approved in writing by the Council as Local Planning Authority.

The method statement shall include, but not be limited to:

Construction traffic routes, including provision for access to the site

Entrance/exit from the site for visitors/contractors/deliveries

Location of directional signage within the site

Siting of temporary containers

Parking for contractors, site operatives and visitors

Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction

Temporary roads/areas of hard standing
Schedule for large vehicles delivering/exporting materials to and from site and details of manoeuvring arrangements
Storage of materials and large/heavy vehicles/machinery on site
Measures to control noise and dust
Details of street sweeping/street cleansing/wheelwash facilities
Details for the recycling/disposing of waste resulting from demolition and construction works
Hours of working
Phasing of works including start/finish dates
For the avoidance of doubt all construction vehicles shall load/unload within the confines of the site and not on the highway.
The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority.
Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers and in the interests of air quality in accordance with Policies GP2, GP4 and GP7 of the NLDP.

07 No development shall commence until full details of all retaining walls, vehicular ramp and green roof details have been submitted to and approved in writing by the local planning authority. The details shall include a monitoring and maintenance plan for the green roofs to include photographic evidence by a Landscape Consultant, timings for planting and replacement plants where necessary by 31st December for year 2 and 5 after planting. With the exception of the timings above specifically referring to the green roof, the development shall be completed in accordance with the approved details prior to the first occupation of any unit as hereby approved and shall thereafter be permanently maintained thus.

Reason: In the interests of visual amenity in accordance with Policy GP6 of the NLDP.

08 No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained. ULEV Infrastructure shall be available to staff during the construction phase in so far as this is reasonably practicable.

Reason: To prevent unacceptable harm because of air pollution (Policy GP7); There must not be a significant adverse effect upon local amenity in terms of air quality (Policy GP2)

Pre – construction conditions

09 Except for site clearance and remediation, no development shall take place until a scheme to permanently close off the existing vehicular access on Kelvedon Street and Witham Street has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as agreed prior to first occupation of any part of the development unless otherwise agreed in writing by the Council as Local Planning Authority.

Reason: To limit the number of access points to, and to maintain the proper construction of, the highway in the interests of road safety.

10 The development shall not be brought into use until the areas indicated on the submitted plans to be set aside for parking and servicing have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in drawing number 1660-PL1-04 Rev F. The parking and servicing areas shall be retained as such thereafter.

Reason: To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking, and that hard-surfaced areas have a satisfactory appearance in accordance with Policy GP4 of the NLDP.

Pre –occupation conditions

11 The bin store and cycle storage building shall be completed in accordance with the

approved details prior to the first occupation of any unit as hereby approved and shall thereafter be permanently maintained thus.

Reason: In the interests of visual amenity in accordance with Policy GP6 of the NLDP.

12 Prior to the occupation of the development a long term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken
- Timescales for the long term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required (for x years)
- Timescales for submission of monitoring reports to the LPA e.g. annually
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Reason: A long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on controlled waters in accordance with Policy GP5 of the NLDP.

13 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policies GP5 and GP7 of the NLDP.

14 No part of the development shall be brought into use until visibility splays in accordance with the approved plans have been provided on each side of the access. Once created, the visibility splays shall be maintained clear of any obstruction and shall be retained at all times.

Reason: To provide the driver of a vehicle using the access and other users of the public highway with adequate inter-visibility in the interests of road safety in accordance with Policy GP4 of the NLDP.

15 Prior to the occupation of any dwelling, a Residential Travel Plan shall be submitted to and approved in writing by the Council as Local Planning Authority. The Plan shall include immediate, continuing and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car. For the avoidance of doubt, the Travel Plan shall include, but not be limited to, the following:

- a) Production and distribution of an information pack for residents detailing travel options and information for all modes of travel
- b) Information on existing transport policies, services and facilities, travel behaviour and attitudes
- c) Access for all modes of transport
- d) Resource allocation including Travel Plan Co-ordinator and budget
- e) A marketing and communications strategy
- f) Appropriate measures and actions to reduce car dependence and encourage sustainable travel
- g) An action plan including a timetable for implementation of each of each of the above
- h) Mechanisms for monitoring, reviewing and implementing the travel plan in co-operation with the Council's Active Travel Team

The Approved Residential Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

An annual report shall be submitted to the council no later than 1 month following the

anniversary of the first occupation of the development for a period of 3 years. The annual report shall include a review of the Residential Travel Plan measures, monitoring data and an updated action plan in liaison with the Council's Smarter Travel Choices Team.

Reason: To maximise opportunities for travel by modes of transport other than the private car, and to ensure that the development is sustainable in accordance with Policy SP1 of the NLDP.

16 Prior to first occupation of the development hereby permitted full details of a waste management strategy shall be submitted to the Local Planning Authority and written approval received. The strategy shall be subsequently implemented in accordance with the approved details.

Reason: To ensure that adequate on-site provision is made for servicing and waste management collection including allowance for the storage, transfer and collection of waste to reduce impact on residential amenity and the general amenity of surrounding occupiers in accordance with Policies GP2 and W3 of the NLDP.

17 Prior to first occupation of the development hereby permitted full details of a scheme for the management and security of communal amenity space serving the development shall be submitted to the Local Planning Authority and written approval received. The communal amenity space shall thereafter be managed in accordance with the approved details for the lifetime of development.

Reason: To ensure the space is secured and managed in the interests of the amenity of neighbouring occupants and future occupants of the development in accordance with Policy GP2 of the NLDP.

General conditions

18 The finished floor levels of the development shall be set no lower than 7.72m AOD for the car park, and 8m AOD for the proposed apartment building. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of visual amenities and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies SP3 and GP6 of the NLDP.

19 The scheme of landscaping, tree planting and management schedule hereby approved 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 the development. Thereafter the trees and shrubs shall be maintained for a period of 5 years from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established. For the purpose of this condition, a full planting season shall mean the period from October to April.

Reason: To secure the satisfactory implementation of the proposal in accordance with Policy GP2 and GP5 of the NLDP.

20 The windows shown in the north-west side elevation of the building hereby approved shall be obscure glazed at the time of installation to minimum level 4 Pilkington scale and no additional windows shall be installed in either of these elevations.

Reason: In the interests of neighbouring amenity in accordance with Policy GP2 of the NLDP.

21 The gradient of the vehicular access shall not exceed 1 in 40 for the first 15 metres into the site measured from the nearside edge of the highway boundary of Kelvedon St. Any gate or other form of barrier across the access shall be positioned at least 6 metres back from the nearside edge of the highway boundary of Kelvedon Street, and shall be constructed to open into the site only.

Reason: To permit vehicles to pull clear of the carriageway when entering the site in the interests of road safety in accordance with Policy GP4 of the NLDP.

22 The development shall be completed in accordance with the approved boundary treatment details prior to the first occupation of any unit as hereby approved and shall thereafter be permanently maintained thus.

Reason: In the interests of visual amenity in accordance with Policy GP6 of the NLDP.

23 The development shall be completed in accordance with the approved drainage details prior to the first occupation of any unit as hereby approved and shall thereafter be permanently maintained thus.

Reason: In the interests of visual amenity in accordance with Policy GP6 of the NLDP.

NOTE TO APPLICANT

01 This decision relates to plan Nos: 1660PL1-04 E Proposed site plan, 1660PL1-05 B Proposed floor plans, 1660PL1-06 F Proposed elevations, 1660PL1-10B RPZs, 1660PL1-11 Bin & Bike store, 1660PL1-DAS-Rev5 Design & Access Statement, 1660PL1:GIS rev 2 GIS, 1660PL1:TP Travel Plan, 24.7482_ENS1 Environment Noise Assessment, OCA-JBA-XX-XX-RP-Z-0001-S0-P01-_FCA Flood Consequence Assessment, 1229.01 B Soft Landscape proposals, R01 A Landscape management plan, 16.09.24 Kelvedon Street, Newport Tree survey, Tree Constraints Plan A3 Kelvedon Street, Newport Tree constraints plan, SE158-PEA Preliminary Ecology survey, 1660PL1-08B Images, Kelvedon Street Parking Survey Report (24062d1a) Parking survey.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, GP1, GP2, GP4, GP5, GP6, GP7, H2, H3, T4, H4, W3 were relevant to the determination of this application.

03 As of 1st October 2012 any connection to the public sewerage network (foul or surface water sewerage) for the first time will require an adoption agreement with Dwr Cymru Welsh Water. For further advice contact Dwr Cymru Welsh Water on 01443 331155.

04 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

05 Any site clearance should consider the likely presence of nesting birds in the scrubby vegetation present. Nesting birds are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), whereby it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

06 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

07 It is an offence to carry out any works within the public highway without permission of the

Highway Authority. This consent requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980 the Highway Authority must specify the works to be carried out and only the Highway Authority or contractor approved by the Highway Authority can carry out the works. Therefore prior to commencing any works that affect the access you must contact the Council's Highway Maintenance Team on 01925 443322 (email highwaymaintenance@warrington.gov.uk) for further details.

The applicant is reminded that it is an offence to allow material to be carried from the site and deposited on or cause damage to the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and will prosecute persistent offenders under Sections 131, 148 & 149 of the Highways Act 1980.

The grant of planning permission may require the applicant to seek the implementation of a Traffic Regulation Orders, the effect of which is to clarify and simplify the waiting restrictions in the vicinity of the access. All costs incurred by the Highway Authority will be required to be met by the applicant. Contact the Council's Traffic Management, Road Safety & Adoptions Team for further details.

Appendix 1

Appropriate Assessment – Impact on the River Usk SAC

Description of development site and proposals

The application site is a brownfield site currently vacant and formerly occupied by a printing factory. It is located within the urban boundary. The area is predominantly residential in character with the exception of a small industrial area immediately to the south of the site and a medical centre and pharmacy centre to the east. The site is located within approximately 200m of the River Usk Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

The proposals comprise the construction of 30 apartments with associated parking, waste and cycle storage and landscaping.

Appropriate Assessment – Impact on the River Usk SAC

The River Usk has been designated because the following species are special features to the River Usk:-

- Allis Shad;
- Twaite Shad;

- Bullhead;
- River Lamprey;
- Brook Lamprey;
- Sea Lamprey;
- Atlantic Salmon;
- Otter;
- Water Crowfoot.

The conservation objectives of the SAC are attached as an Appendix. The Usk is considered one of the best examples of a near natural river system in England and Wales. The range of plants and animals reflects a transition from nutrient poor to naturally rich. It was notified to protect a wide range of habitats and features. It also acts as an important wildlife corridor, an essential migration route and a key breeding area for nationally and internationally important species, including otter.

In consultation responses relating to the river NRW have identified the following as key areas of concern:

Pollution:

NRW have identified pollution as a potential impact to features of the SAC during the construction phase of the development.

NRW have advised that the following CEMP condition should be attached to any planning permission. Provided the development is carried out in accordance with those conditions, NRW do not consider that it will adversely affect the integrity of the SAC:

Condition

No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

Construction methods: details of materials, how waste generated will be managed;

General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.

Soil Management: details of topsoil strip, storage and amelioration for re-use.

CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.

Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities.

Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption and wastewater.

Traffic Management: details of site deliveries, plant on site, wheel wash facilities

Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.

Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

Land Contamination

NRW advise that their records indicate that the site is located within close proximity to commercial and industrial land use which historically have the potential to have contaminated the soil and groundwater at the site. Records also indicate a historic landfill which has been suspected of taking chemical waste. Based on this information, NRW request the following conditions are attached to any grant of planning permission:

Condition

No development, of land known to be / suspected of contamination, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:

- v all previous uses
- vi potential contaminants associated with those uses
- vii a conceptual model of the site indicating sources, pathways and receptors
- viii potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Justification: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

Condition

Prior to the occupation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Justification: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition

Prior to the occupation of the development a long term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken
- Timescales for the long term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required (for x years)
- Timescales for submission of monitoring reports to the LPA e.g. annually
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Justification: A long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on controlled waters.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Justification: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

In-combination effects

In terms of in combination effects of the development other developments that have taken place along the Usk river frontage in the vicinity of the site. The main developments of recent years have been residential schemes (Argosy Way and adjoining streets). However, these have been complete in excess of a decade and were subject to their own appropriate assessments and were concluded not to be harmful to the interests of the SAC. The works were subject to conditional regimes that protected the SAC interests. These works in-combination with this proposal would not have an adverse impact on the bio-diversity interests of the River Usk.

With the inclusion of appropriate conditions it is considered that any adverse effects on the River Usk SAC associated with the development proposal could be satisfactorily avoided thereby protecting the conservation objectives of the River Usk SAC.

Overall consideration

The concerns regarding the potential for impact on the River Usk SAC are from pollution during the construction phase of the development and potential land contamination.

It is considered that with the imposition of suitable conditions to ensure that contamination of the River Usk SAC and SSSI is avoided and the proposal would not have a significant adverse effect on the River Usk SAC.

APPENDIX A – CONSERVATION OBJECTIVES OF THE RIVER USK SPECIAL AREA OF CONSERVATION (SAC)

4. CONSERVATION OBJECTIVES

Background to Conservation Objectives:

a. Outline of the legal context and purpose of conservation objectives.

Conservation objectives are required by the 1992 'Habitats' Directive (92/43/EEC). The aim of the Habitats Directives is the maintenance, or where appropriate the restoration of the 'favourable conservation status' of habitats and species features for which SACs and SPAs are designated (see Box 1).

In the broadest terms, 'favourable conservation status' means a feature is in satisfactory condition and all the things needed to keep it that way are in place for the foreseeable future. CCW considers that the concept of favourable conservation status provides a practical and legally robust basis for conservation objectives for Natura 2000 and Ramsar sites.

Achieving these objectives requires appropriate management and the control of factors that

may cause deterioration of habitats or significant disturbance to species.

As well as the overall function of communication, Conservation objectives have a number of specific roles:

Conservation planning and management.

The conservation objectives guide management of sites, to maintain or restore the habitats and species in favourable condition.

Assessing plans and projects.

Article 6(3) of the 'Habitats' Directive requires appropriate assessment of proposed plans and projects against a site's conservation objectives. Subject to certain exceptions, plans or projects may not proceed unless it is established that they will not adversely affect the integrity of sites. This role for testing plans and projects also applies to the review of existing decisions and consents.

Monitoring and reporting.

The conservation objectives provide the basis for assessing the condition of a feature and the status of factors that affect it. CCW uses 'performance indicators' within the conservation objectives, as the basis for monitoring and reporting. Performance indicators are selected to provide useful information about the condition of a feature and the factors that affect it.

The conservation objectives in this document reflect CCW's current information and understanding of the site and its features and their importance in an international context. The conservation objectives are subject to review by CCW in light of new knowledge.

b. Format of the conservation objectives

There is one conservation objective for each feature listed in part 3. Each conservation objective is a composite statement representing a site-specific description of what is considered to be the favourable conservation status of the feature. These statements apply to a whole feature as it occurs within the whole plan area, although section 3.2 sets out their relevance to individual management units.

Each conservation objective consists of the following two elements:

1. Vision for the feature
2. Performance indicators

As a result of the general practice developed and agreed within the UK Conservation Agencies, conservation objectives include performance indicators, the selection of which should be informed by JNCC guidance on Common Standards Monitoring¹.

There is a critical need for clarity over the role of performance indicators within the conservation objectives. A conservation objective, because it includes the vision for the feature, has meaning and substance independently of the performance indicators, and is more than the sum of the performance indicators. The performance indicators are simply what make the conservation objectives measurable, and are thus part of, not a substitute for, the conservation objectives. Any feature attribute identified in the performance indicators should be represented in the vision for the feature, but not all elements of the vision for the feature will necessarily have corresponding performance indicators.

As well as describing the aspirations for the condition of the feature, the Vision section of each conservation objective contains a statement that the factors necessary to maintain

those desired conditions are under control. Subject to technical, practical and resource constraints, factors which have an important influence on the condition of the feature are identified in the performance indicators.

The ecological status of the water course is a major determinant of FCS for all features. The required conservation objective for the water course is defined below.

4.1 Conservation Objective for the water course

The capacity of the habitats in the SAC to support each feature at near-natural population levels, as determined by predominantly unmodified ecological and hydromorphological processes and characteristics, should be maintained as far as possible, or restored where necessary.

The ecological status of the water environment should be sufficient to maintain a stable or increasing population of each feature. This will include elements of water quantity and quality, physical habitat and community composition and structure. It is anticipated that these limits will concur with the relevant standards used by the Review of Consents process given in Annexes 1-3.

Flow regime, water quality and physical habitat should be maintained in, or restored as far as possible to, a near-natural state, in order to support the coherence of ecosystem structure and function across the whole area of the SAC.

All known breeding, spawning and nursery sites of species features should be maintained as suitable habitat as far as possible, except where natural processes cause them to change.

Flows, water quality, substrate quality and quantity at fish spawning sites and nursery areas will not be depleted by abstraction, discharges, engineering or gravel extraction activities or other impacts to the extent that these sites are damaged or destroyed.

The river planform and profile should be predominantly unmodified. Physical modifications having an adverse effect on the integrity of the SAC, including, but not limited to, revetments on active alluvial river banks using stone, concrete or waste materials, unsustainable extraction of gravel, addition or release of excessive quantities of fine sediment, will be avoided.

River habitat SSSI features should be in favourable condition. In the case of the Usk Tributaries SSSI, the SAC habitat is not underpinned by a river habitat SSSI feature. In this case, the target is to maintain the characteristic physical features of the river channel, banks and riparian zone.

Artificial factors impacting on the capability of each species feature to occupy the full extent of its natural range should be modified where necessary to allow passage, e.g. weirs, bridge sills, acoustic barriers.

Natural factors such as waterfalls, which may limit the natural range of a species feature or dispersal between naturally isolated populations, should not be modified.

Flows during the normal migration periods of each migratory fish species feature will not be depleted by abstraction to the extent that passage upstream to spawning sites is hindered.

1 Web link: <http://www.jncc.gov.uk/page-2199>

Flow objectives for assessment points in the Usk Catchment Abstraction Management Strategy will be agreed between EA and CCW as necessary. It is anticipated that these limits will concur with the standards used by the Review of Consents process given in Annex 1 of this document.

Levels of nutrients, in particular phosphate, will be agreed between EA and CCW for each Water Framework Directive water body in the Usk SAC, and measures taken to maintain nutrients below these levels. It is anticipated that these limits will concur with the standards used by the Review of Consents process given in Annex 2 of this document.

Levels of water quality parameters that are known to affect the distribution and abundance of SAC features will be agreed between EA and CCW for each Water Framework Directive water body in the Usk SAC, and measures taken to maintain pollution below these levels. It is anticipated that these limits will concur with the standards used by the Review of Consents process given in Annex 3 of this document.

Potential sources of pollution not addressed in the Review of Consents, such as contaminated land, will be considered in assessing plans and projects.

Levels of suspended solids will be agreed between EA and CCW for each Water Framework Directive water body in the Usk SAC. Measures including, but not limited to, the control of suspended sediment generated by agriculture, forestry and engineering works, will be taken to maintain suspended solids below these levels.

4.2 Conservation Objective for Features 1-5:

- Sea lamprey *Petromyzon marinus* (EU Species Code: 1095);
- Brook lamprey *Lampetra planeri* (EU Species Code: 1096);
- River lamprey *Lampetra fluviatilis* (EU Species Code: 1099);
- Twaite shad *Alosa fallax* (EU Species Code: 1103);
- Allis shad *Alosa alosa* (EU Species Code: 1102);
- Atlantic salmon *Salmo salar* (EU Species Code: 1106);
- Bullhead *Cottus gobio* (EU Species Code: 1163)

<p>Vision for features 1-5 The vision for this feature is for it to be in a favourable conservation status, where all of the following conditions are satisfied:</p>	
FCS component	Supporting information/current knowledge
<p>The conservation objective for the water course as defined in 4.1 above must be met.</p> <p>The population of the feature in the SAC is stable or increasing over the long term.</p>	<p>Refer to sections 5.1 to 5.5 for current assessments of feature populations.</p> <p>Entrainment in water abstractions directly impacts on population dynamics through reduced recruitment and survival rates.</p> <p>Fish stocking can adversely affect population dynamics through competition, predation, and alteration of population genetics and introduction of disease.</p>
<p>The natural range of the feature in the SAC is neither being reduced nor is likely to be reduced for the foreseeable future. The natural range is taken to mean those reaches where predominantly suitable habitat for each life stage exists over the long term. Suitable habitat is defined in</p>	<p>Some reaches of the Usk SAC are more suitable for some features than others e.g. the Senni has important populations of brook/river lamprey and salmon but is not used by shad due to its small size and distance from the estuary. These differences influence the management</p>

<p>terms of near-natural hydrological and geomorphological processes and forms e.g. suitable flows to allow upstream migration, depth of water and substrate type at spawning sites, and ecosystem structure and functions e.g. food supply (as described in sections 2.2 and 5).</p> <p>Suitable habitat need not be present throughout the SAC but where present must be secured for the foreseeable future. Natural factors such as waterfalls may limit the natural range of individual species. Existing artificial influences on natural range that cause an adverse effect on site integrity, such as physical barriers to migration, will be assessed in view of 4.2.4</p> <p>There is, and will probably continue to be, a sufficiently large habitat to maintain the feature's population in the SAC on a long-term basis.</p>	<p>priorities for individual reaches and are used to define the site units described in section 3.2. Further details of feature habitat suitability are given in section 5. In general, management for one feature is likely to be sympathetic for the other features present in the river, provided that the components of favourable conservation status for the water course given in Section 4.1 are secured.</p> <p>The characteristic channel morphology provides the diversity of water depths, current velocities and substrate types necessary to fulfil the habitat requirements of the features. The close proximity of different habitats facilitates movement of fish to new preferred habitats with age. The presence of hard bank revetments in a number of active alluvial reaches e.g. through Brecon and upstream of Abergavenny, adversely affects the processes that maintain suitable habitat for the SAC features.</p> <p>Hydrological processes in the Usk are currently affected by large abstractions, especially at Prioress Mill and Brecon Weir. However, there are many smaller abstractions not considered to cause a problem at present.</p> <p>Shad and salmon migration can be affected by acoustic barriers and by high sediment loads, which can originate from a number of sources including construction works.</p> <p>Allis and Twaite shad are affected by range contraction due to artificial barriers to migration in the Usk. It is likely that this loss of habitat affects their maintenance in the SAC on a long-term basis.</p>
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Performance indicators for features 1-5			
The performance indicators are part of the conservation objective, not a substitute for it. Assessment of plans and projects must be based on the entire conservation objective, not just the performance indicators.			
Sea lamprey <i>Petromyzon marinus</i> : <i>Performance indicators for feature condition</i>			
Attribute	Specified Limits	Comments	Relevant Unit[s]
(a) Distribution within catchment	Suitable habitat adjacent to or downstream of known spawning sites should	This attribute provides evidence of successful spawning and distribution trends. Spawning sites known to have been used within the	1-5

	contain Petromyzon ammocoetes.	previous 10 years and historical sites considered still to have suitable habitat, are shown in Annex 4. Spawning locations may move within and between sites due to natural processes or new sites may be discovered overtime. Silt beds downstream of all sites identified in Annex 4 will be sampled for presence or absence of ammocoetes. Where apparently suitable habitat at any site is unoccupied feature condition will be considered unfavourable .	
(b) Ammocoete density	Ammocoetes should be present in at least four sampling sites each not less than 5km apart.	This standard CSM attribute establishes a minimum occupied spawning range, within any sampling period, of 15km. In the Usk, spawning sites within units 2 to 5 will be assessed against this attribute.	2 - 5
	Overall catchment mean >0.1m ⁻² (Harvey & Cowx 2003) ¹	Although this attribute is not used in CSM for sea lamprey, baseline monitoring in the Usk gave an overall catchment mean of 2.27 ammocoetes m ⁻² in suitable habitat ² , therefore 0.1 m ⁻² is a conservative threshold value for unfavourable condition.	
Brook lamprey <i>Lampetra planeri</i> and River lamprey <i>Lampetra fluviatilis</i> : <i>Performance indicators for feature condition</i>			
Attribute	Specified Limits	Comments	Relevant Unit[s]
(a) Age/size structure of ammocoete population	Samples < 50 ammocoetes ~ 2 size classes Samples > 50 ammocoetes ~ at least 3 size classes	This gives an indication of recruitment to the population over the several years receding the survey. Failure of one or more years recruitment may be due to either short or long term impacts or natural factors such as natural flow variability, therefore would trigger further investigation of the cause rather than leading automatically to an unfavourable condition assessment.	2-10
(b) Distribution of ammocoetes within catchment	Present at not less than 2/3 of sites surveyed within natural range	The combined natural range of these two species in terms of ammocoete distribution includes all units above the	2-10

		tidal limit i.e. all except unit 1. Presence at less than 2/3 of sample sites will lead to an unfavourable condition assessment.	
	No reduction in distribution of ammocoetes	Reduction in distribution will be defined as absence of ammocoetes from all samples within a single unit or sub-unit/tributary, and will lead to an unfavourable condition assessment.	
(c) Ammocoete density	Optimal habitat: >10m ⁻² Overall catchment mean: >5m ⁻²	Optimal habitat comprises beds of stable fine sediment or sand >15cm deep, low water velocity and the presence of organic detritus, as well as, in the Usk, shallower sediment, often patchy and interspersed among coarser substrate.	2-10
Twaite shad <i>Alosa fallax</i> and Allis shad <i>Alosa alosa</i> : <i>Performance indicators for feature condition</i>			
Attribute	Specified Limits	Comments	Relevant Unit[s]
(a) Spawning distribution	No decline in spawning distribution	Spawning distribution is assessed by kick sampling for eggs and/or observations of spawning adults. A representative sample of sites within units 2 to 5 will be monitored at 3 yearly intervals. Absence from any site in 2 consecutive surveys will result in an unfavourable condition assessment.	1-5
<i>Performance indicators for factors affecting the feature</i>			
(a) Flow	Targets are set in Relation to river/reach type(s)	Targets equate to those levels agreed and used in the Review of Consents (see Annex 1). Shad are particularly sensitive to flow. The ideal regime is one of relatively high flows in March-May, to stimulate migration and allow maximum penetration of adults upstream, followed by rather low flows in June-September, which ensures that the juveniles are not washed prematurely into saline waters and grow rapidly under warmer conditions. The release of freshets to encourage salmonid migration should therefore be discouraged on shad rivers during this period.	1-5

Atlantic salmon <i>Salmo salar</i> : <i>Performance indicators for feature condition</i>			
(a) Adult run size	Conservation Limit complied with at least four years in five (see 5.4)	CSM guidance states: Total run size at least matching an agreed reference level, including a seasonal pattern of migration characteristic of the river and maintenance of the multi-seawinter component. As there is no fish counter in the Usk, adult run size is calculated using rod catch data. Further details can be found in the EA Usk Salmon Action Plan.	All
(b) Juvenile densities	Expected densities for each sample site using HABSCORE	CSM guidance states: These should not differ significantly from those expected for the river type/reach under conditions of high physical and chemical quality. Assessed using electro fishing data.	6-10
<i>Performance indicators for factors affecting the feature:</i> Water quality			
(a) Biological quality	Biological GQA class A	This is the class required in the CSM guidance for Atlantic salmon, the most sensitive feature.	6-10
(b) Chemical quality	RE1	It has been agreed through the Review of Consents process that RE1 will be used throughout the SAC [see Annex 3].	All
<i>Performance indicators for factors affecting the feature:</i> Hydromorphology			
(a) Flow	Targets are set in relation to river/reach type(s)	Targets equate to those levels agreed and used in the Review of Consents [see Annex 1].	All
Bullhead <i>Cottus gobio</i> : <i>Performance indicators for feature condition</i>			
a) Adult densities	No less than 0.2 m ⁻² in sampled reaches	CSM guidance states that densities should be no less than 0.2 m ⁻² in upland rivers (source altitude >100m) and 0.5 m ⁻² in lowland rivers (source altitude ≤m). A significant reduction in densities may also lead to an unfavourable condition assessment.	2-10
(b) Distribution	Bullheads should be present in all	Suitable reaches will be mapped using fluvial audit	2-10

	suitable reaches. As a minimum, no decline in distribution from current	information validated using the results of population monitoring. Absence of bullheads from any of these reaches, or from any previously occupied reach, revealed by ongoing monitoring will result in an unfavourable condition assessment.	
(c) Reproduction/age structure	Young-of-year fish should occur at densities at least equal to adults	This gives an indication of successful recruitment and a healthy population structure. Failure of this attribute on its own would not lead to an unfavourable condition assessment.	2-10

4.3 Conservation Objective for Feature 6:
- European otter *Lutra lutra* (EU Species Code: 1355)

Vision for feature 6

The vision for this feature is for it to be in a favourable conservation status, where all of the following conditions are satisfied:

FCS component	Supporting information/current knowledge
<p>The population of otters in the SAC is stable or increasing over the long term and reflects the natural carrying capacity of the habitat within the SAC, as determined by natural levels of prey abundance and associated territorial behaviour. The natural range of otters in the SAC is neither being reduced nor is likely to be reduced for the foreseeable future. The natural range is taken to mean those reaches that are potentially suitable to form part of a breeding territory and/or provide routes between breeding territories. The whole area of the Usk SAC is considered to form potentially suitable breeding habitat for otters. The size of breeding territories may vary depending on prey abundance. The population size should not be limited by the availability of suitable undisturbed breeding sites. Where these are insufficient they should be created through habitat enhancement and where necessary the provision of artificial holts. No otter breeding site should be subject to a level of disturbance that could have an adverse effect on breeding success. Where necessary, potentially harmful levels of disturbance must be managed.</p> <p>The safe movement and dispersal of individuals around the SAC is facilitated by the provision, where necessary, of suitable riparian habitat, and underpasses, ledges, fencing etc. at road bridges and other artificial barriers.</p>	<p>Refer to section 5.9 for current assessment of feature population.</p> <p>Survey information shows that otters are widely distributed in the Usk catchment. While the breeding population in the Usk is not currently considered to be limited by the availability of suitable breeding sites, there is some uncertainty over the number of breeding territories which the SAC is capable of supporting given near-natural levels of prey abundance.</p> <p>The decline in eel populations may be having an adverse effect on the population of otters in the Usk.</p> <p>Restrictions on the movement of otters around the SAC, and between adjoining sites are currently a particular concern in the reach through Newport as a result of a continued decrease in undisturbed suitable riparian habitat.</p>

Performance indicators for feature 6
 The performance indicators are part of the conservation objective, not a substitute for it. Assessment of plans and projects must be based on the entire conservation objective, not just the performance indicators.

Attribute	Specified Limits	Comments	Relevant Unit(s)
<i>Performance indicators for feature condition</i>			
(a) Distribution	Otter signs present at 90% of Otter Survey of Wales sites	Ref: CCW Environmental Monitoring Report No. 19 (2005) ³	All
(b) Breeding activity	2 reports of cub/family sightings at least 1 year in 6	Ref: CCW Environmental Monitoring Report No. 19 (2005) ³	All
(c) Actual and potential breeding sites	No decline in number and quality of mapped breeding sites in subcatchments (see Ref)	Ref: CCW Environmental Monitoring Report No. 19 (2005) ³ In the Usk catchment, 77 actual or potential breeding sites have been identified, distributed throughout the catchment on the main river and tributaries.	All