

Notice of Decision



Asbri Planning
1st Floor Westview House, Unit 6 Oak Tree Court
Mulberry Drive
Cardiff Gate Business Park
Cardiff
CF23 8RS

**TOWN AND COUNTRY PLANNING ACT 1990 [as amended]
TOWN AND COUNTRY PLANNING [ENVIRONMENTAL IMPACT ASSESSMENT](ENGLAND AND WALES) REGULATIONS 1999 [as amended]**

Application No: **13/1279**

Application Type: **Full+Env Statement**

Proposal: **DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 407/1**

Site/Location: **Land To South Of Glan Usk Primary School, Herbert Road, Newport**

Decision Date: **11-Aug-2015**

In pursuance of its powers under the above legislation the Council of the City of Newport notifies you of its decision in respect of your application, registered by them on 23-Apr-2014. The application has been:-

Granted with Conditions

STANDARD CONDITIONS

The development must begin not later than the expiration of **FIVE YEARS** from the date of this permission.
Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

ADDITIONAL CONDITIONS

1. The development shall be carried out strictly in accordance with the following plans and documents:
Addendum to Environmental Statement – Volume 1 (Non-technical Summary), Addendum to Environmental Statement – Volume 2 (Addendum), Environmental Statement – Volume 3 (Appendices), Noise Impact Assessment for Proposed Residential Development (12 August 2014), Noise Impact Assessment for Proposed Residential Development (07 July 2014), Waterman Letter dated 28th May 2014 entitled 'Hydraulic Model Review – Proposed Development at Herbert Road, Newport), Remediation Strategy Proposed Residential Development Herbert Road Newport (February 2014), Terra Firma letter dated 01 April 2014 entitled 'Additional Groundwater Monitoring: Herbert Road Newport'; Acoustic Note entitled 'BASIC Barrier Attenuation – Based on CRTN', Statement of Community Consultation, Design and Access Statement and the following drawings:

Drawing sw49(00)01 – Location Plan
Drawing sw49(04)01J – Proposed Site Layout
Drawing sw49(04)06C – Boundary Treatments
Drawing sw49(04)10B – Proposed Street Elevations (1 of 6)
Drawing sw49(04)11B – Proposed Street Elevations (2 of 6)
Drawing sw49(04)12B – Proposed Street Elevations (3 of 6)
Drawing sw49(04)13B – Proposed Street Elevations (4 of 6)
Drawing sw49(04)14B – Proposed Street Elevations (5 of 6)
Drawing sw49(04)16E – Proposed Site Sections (1 of 3)
Drawing sw49(04)17E – Proposed Site Sections (3 of 3) (sic)
Drawing sw49(04)18E – Proposed Site Sections (3 of 3)
Drawing sw49(04)G100A – 3P 2B Flats – Floor Plans and Elevations – Plots 232-243
Drawing sw49(04)G200A – 3P 2B Flats – Floor Plans and Elevations – Plots 244-251
Drawing sw49(04)L100C – 3P 2B Flats – Floor Plans and Elevations – Plots 1-36
Drawing sw49(04)L200C – Block 1 – 799+877 House Types – Floor Plans and Elevations
Drawing sw49(04)L300B – Block 2 – 910+666 House Types – Floor Plans and Elevations

Drawing sw49(04)L400C – 3P 2B Flats – Floor Plans and Elevations
 Drawing sw49(04)L500A – Block 3 910+666 House Types – Floor Plans and Elevations
 Drawing sw49(04)L600B – Block 4 – 799 House Type – Floor Plans and Elevations
 Drawing sw49(04)L700B – Block 5 – 910 House Type – Floor Plans and Elevations
 Drawing sw49(04)L800B – Block 6 – 799+666 House Type – Floor Plans and Elevations
 Drawing sw49(04)L900B – Block 7 – 799+666 House Types – Floor Plans and Elevations
 Drawing sw49(04)L1000B – Block 8 – 799+666 House Type – Floor Plans and Elevations
 Drawing sw49(04)L1100C – Block 9 – 877 House Type – Floor Plans and Elevations
 Drawing sw49(04)L1200C – Block 10 – 877+666 House Type – Floor Plans and Elevations
 Drawing sw49(04)L1300B – 3P 2B + 2P 1B flats – Ground and First Floor Plans – Plots 62-83
 Drawing sw49(04)L1301A – 3P 2B + 2P 1B flats – Second and Third Floor Plans – Plots 62-83
 Drawing sw49(04)L1302B – 3P 2B + 2P 1B flats – Elevations – Plots 62-83
 Drawing sw49(04)S200A – 2B 3P Flats – Elevations – Plots 186-191
 Drawing sw49(04)S300A – 2B 3P Flats (adapted) – Floor Plans – Plots 192-204
 Drawing sw49(04)S301B – 2B 3P Flats (adapted) – Elevations – Plots 217-228
 Drawing sw49(04)SH100A – 1B 2P Flats – Elevations – Plots 180-185
 Drawing sw49(ENG)500B – Foul and Surface Water Drainage Layout (1 of 4)
 Drawing sw49(ENG)501B – Foul and Surface Water Drainage Layout (2 of 4)
 Drawing sw49(ENG)502B – Foul and Surface Water Drainage Layout (3 of 4)
 Drawing sw49(ENG)503B – Foul and Surface Water Drainage Layout (4 of 4)
 Drawing sw49(ENG)700B – General Arrangement – Section 38 Agreement (1 of 4)
 Drawing sw49(ENG)701B – General Arrangement – Section 38 Agreement (2 of 4)
 Drawing sw49(ENG)702B – General Arrangement (3 of 4)
 Drawing sw49(ENG)703B – General Arrangement – Section 38 Agreement (4 of 4)

Drawing 2396 – Topographical Survey

Un-numbered drawing – clarification of application area in the vicinity of Morgan Street (received 11.12.2014)

Un-numbered drawing – clarification of boundary wall treatment near Morgan Street (received 11.12.2014)

Reason: to comply with Welsh Government Circular 016/2014, Paragraph 5.30.

2. **PRE-COMMENCEMENT CONDITIONS**

No development shall commence in relation to each phase as defined by Condition 7 (unless in relation to remediation of contamination or other specific advanced works as agreed in writing) until details of the foul and surface water drainage and storage system for that phase (or for any other area as may be agreed) including means of discharge into the drainage network, have been submitted to and approved in writing by the local planning authority. The development associated with each phase shall be implemented in accordance with the approved details prior to first occupation of that phase.

Reason: to ensure the protection of the River Usk SSSI and the River Usk SAC and to prevent overloading of the local sewerage and surface water drainage network.

3. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

a. A preliminary risk assessment which has identified:

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

b. 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.

c. The site investigation results and the detailed risk assessment (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.

d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity due to proximity to River Usk SAC and contamination is known/strongly suspected.

4. Prior to the commencement of development in relation to each phase as defined by condition 7 or for any other works over any other agreed area of the site, a Construction Environmental Management Plan (CEMP) pertaining to those specific works and the area they affect shall be submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following:

- i. The position of temporary haul roads and compounds containing site offices, workers welfare facilities or compounds containing plant or for the storage of equipment and materials;
- ii. wheelwashing facilities;
- iii. dust suppression measures;
- iv. noise mitigation measures;
- v. details of temporary lighting during construction works; these shall include details of how light spill to the river will be prevented
- vi. details of enclosure of working areas;
- vii. the drainage strategy to operate during construction setting out controls of contamination during construction, including controls to surface water run-off, water pumping, storage of fuels and hazardous materials, spill response plans and other pollution control measures.
- viii. Other pollution prevention and contingency measures that are to be implemented.
- ix. Details of specific measure to protect the conservation objectives of the river Usk in terms of control of operations within 10m of the top of the river bank.

Works for each phase or any other agreed area shall be implemented in accordance with the approved CEMP for that phase or area unless otherwise agreed.

Reason: to protect the amenities of nearby residents and in the interests of safeguarding the conservation objectives of the River Usk SAC and SSSI.

5. Prior to the commencement of any development on the site details of the offsite otter mitigation areas outlined at bullet point 3 of Paragraph 7.120 of the 'Addendum to Environmental Statement – Land South of Glan Usk, Newport' (April 2014) shall be provided to the Council. The scheme shall include details of a future maintenance programme both for the short term (5 years) and longer term (10 years). Following the Council's written agreement the approved details shall be implemented fully as approved prior to the commencement of any other works within 10m of the top of the river bank unless otherwise agreed in writing.
Reason: to protect the conservation objectives of the River Usk SAC, namely otters.
6. Prior to the commencement of any works on the site, other than in relation to specific advanced works that have been agreed in writing by the local planning authority details of a landscaping scheme for the approved scheme (or of any part of it as may be agreed under a phased implementation) shall be submitted to the Local Planning Authority. In relation to tree/shrub planting the scheme shall include inter alia grass mixtures and the number, species, heights on planting and positions of all trees and shrubs as well as details of trees to be retained and measures to protect them during construction). Thereafter the landscaping scheme pertinent to each phase of development 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 associated phase of development (as agreed under Condition 7) unless in relation to the riverfront or otter mitigation areas where it shall be completed in accordance with the details agreed under conditions 33 & 5. Thereafter, the trees and shrubs shall be adequately 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 purposes of this condition a full planting season shall mean the period from October to April inclusive.
Reason: to safeguard the rights of control of the local planning authority in these respects and to ensure that the site is landscaped in a satisfactory manner.
7. The development of the land shall proceed sequentially in accordance with an approved phasing plan and phasing programme setting out the proposed phasing of development on the site which shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The development of the land shall proceed in accordance with the approved phasing plan and phasing programme and shall have regard to the requirement to implement the riverfront treatment at an early stage of the development.
Reason: in the interests of controlling the phased development of the site.
8. Roads/cycleways/footways on the site in relation to each phase (as defined by Condition 7) shall be constructed in accordance with plans submitted to and approved in writing by the local planning authority prior to commencement of development of the relevant phase and completed in accordance with the approved details prior to first occupation of that phase unless an alternative timescale has been approved in writing by the local planning authority.
Reason: in the interests of highway and pedestrian safety and to ensure that the road works are completed to an adoptable standard.
9. No work shall commence on the approved scheme (unless otherwise agreed in writing in relation to specific works as agreed with the local planning authority) until an ecological management scheme for the site has been submitted to and approved in writing by the local planning authority. Following the local planning authority's written approval of the ecological management scheme, the scheme shall be fully implemented as approved following the occupation of the last house within each phase of the scheme as identified in Condition 7 to which the measures pertain. In the event the phase contains no houses the scheme shall contain a timetable for implementation of the proposed measures. The Ecological Management Scheme shall contain details in regard to the short (5 years) and long term (10 years) ecological management of the site and shall have regard to the landscape management scheme submitted under condition 19. The scheme shall contain details regarding the management of the sensitive riverfront area and the otter mitigation area (unless otherwise submitted under conditions 15 & 16) as well as the wider site.
Reason: to retain features of ecological interest within the site and to enhance the overall sustainability of the scheme.

PRE-OCCUPATION CONDITIONS

10. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation for that part 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 any plan (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, and for the reporting of this to the Local Planning Authority.
Reason: In order to demonstrate that the remediation criteria relating to controlled waters have been met. In order to (if necessary) secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
11. No part of the development hereby permitted shall be occupied until:
 - A) Based on the information provided within the Integral Geotechnique report 10834/GNS/11E (June 2013) an appropriate assessment of groundwater shall be undertaken which complies to (BS10175/2011), and shall be submitted and approved in writing by the Local Planning Authority. Should this assessment identify significant contamination which requires remediation all works must stop until a revised remediation strategy is submitted to and agreed by the local planning authority and implemented by the developer.
 - B) Based on the remediation proposals within the Integral Geotechnique report 10834/GNS/11E (June 2013) and Outline remediation Strategy Report 10834/GNS/RSR/A (Dec 2011) or in the event any other additional remediation strategy is submitted to and approved in writing by the local planning authority a Completion/Verification Report, confirming the agreed remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.
12. Details of all formal and informal recreation areas (details to include siting, design, external appearance, landscaping, means of access and play equipment as relevant) shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of any dwelling within the phase (or other areas may be agreed) associated with the recreation area. These areas shall be provided in accordance with the approved details prior to the occupation of the last dwelling in the phase to which they pertain and shall be maintained as such thereafter.
Reason: to ensure that adequate levels of recreation facilities are provided to serve the development.
13. No building shall be occupied in the approved scheme in relation to each phase as defined by Condition 7 until a management strategy for the maintenance of all areas of formal and informal open space for that phase, not subject to adoption by the local authority, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of any management company proposed and its terms of reference. The management strategy for each phase shall be implemented in accordance with the approved details for that phase.

Reason: to ensure that adequate safeguards are provided to ensure the future provision of recreation facilities.

14. Notwithstanding the information submitted pertaining to boundary treatments full details of noise attenuation measures, including acoustic fencing as required to protect the amenity, both internally and externally of Plots 1 – 36, 37 – 41, 101 – 106, 147 – 150 & 151 – 203, 232 – 251 as identified in Drawing sw49 (04) 01J from adjacent noise sources (including railway noise where relevant) shall be submitted prior to the construction of any identified dwelling. Following the LPA's written agreement to the proposed scheme of mitigation the scheme shall be implemented fully as agreed prior to the occupation of any plot identified and retained thereafter.
Reason: in the interests of residential amenity and the effective mitigation of noise.

15. The Riverfront path shall be completed in accordance with the approved details prior to occupation of any unit on the site.
Reason: In the interests of residential amenity and the maintenance of the public rights of way network and as part of the riverfront buffer strip works.

16. Full details of the re-en widening works and flap valve along with a timetable for its completion shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the details approved prior to the occupation of any phase approved under condition 7 whose surface water drains to the widened re-en. The information submitted shall demonstrate that the widened re-en has sufficient capacity to contain surface water run-off from the site.
Reason: In the interests of residential amenity and to safeguard drainage interests.

OTHER CONDITIONS REQUIRING THE SUBMISSION OF INFORMATION

17. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas, hardstandings and road surfaces shall be cleansed of hydro-carbons. The capacity and design of the mechanism to remove hydro-carbons shall be submitted to and approved in writing by the local planning authority prior to its installation. The mechanism shall be retained thereafter.
Reason: to safeguard the conservation objectives of the River Usk Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

18. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

19. 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 the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

20. Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority before that material is imported to the site. No other fill material shall be imported onto the site.
Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

21. Details of all street lighting pertinent to any relevant phase of development shall be submitted to and approved in writing by the local planning authority prior to the construction of any dwelling in that phase or in the event the phase contains no dwellings then prior to the installation of the lighting. The lighting shall be implemented in accordance with the approved details prior to the occupation of the last dwelling within that phase or in accordance with any implementation time table submitted with the details. Details for Phases that contain no dwellings shall contain an implementation timetable. No other lighting shall be installed other than as agreed.
Reason: to protect the conservation interest of the River Usk and in the interests of residential amenity, highway and pedestrian safety and the security of the site.

22. Prior to the implementation of any approved landscaping scheme details of a landscaping management plan shall be provided to the LPA in writing. The Management Plan shall include details of the future maintenance of landscaped areas including the maintenance of screening bunds and other proof fencing where relevant and shall have regard to the details of the Ecological Management Plan submitted under condition 29 to ensure a coherent and ecologically sound approach to the management of the site.
Reason: to ensure the proper maintenance of landscaped areas to protect the conservation interest of the River Usk (otters) and wider visual amenity.

23. No work shall be commenced on the construction of the approved scheme in relation to roads, parking areas and dwellings on any phase as defined by Condition 7 until details/samples of materials and finishes to be used on the external surfaces (including buildings and hard landscaped areas; car park and access road areas) in relation to that phase have been submitted to and approved in writing by the local planning authority. The development of each phase shall then be carried out using the approved materials for that phase.
Reason: to ensure that the development is completed in a manner compatible with its surroundings.

24. No work shall be commenced on the construction of any building in the approved scheme in relation to each phase as defined by Condition 7 until full details of all boundary treatments have been submitted to and approved in writing by the local planning authority for that phase. Boundary treatment details in relation to any dwelling or building shall be implemented in accordance with the approved scheme prior to first occupation of that dwelling or building and shall be maintained as such thereafter.
Reason: to ensure adequate security and privacy and that the scheme is completed in a compatible manner to its surroundings.

25. No materials of any sort shall be imported onto the site until a 'delivery plan' has been submitted to and agreed in writing by the LPA. The delivery plan shall include details of:
- The delivery route to the site;
 - The frequency of deliveries in terms of vehicles per day and overall duration of the delivery programme;
 - The times between which deliveries will be made on each day;
 - The type of vehicles to be used;
 - Contingencies if the identified delivery route is unavailable or inappropriate.
- Deliveries to the site shall proceed fully in accordance with the agreed delivery plan.

Reason: to ensure deliveries proceed in an acceptable way minimising the impact on the local highway network in the interests of residential amenity.

26. The current access to the T.S. Resolute shall not be closed off until the alternative means of vehicular access shown in Drawing sw49(04)01J has been provided or an acceptable interim arrangement has been submitted to and agreed in writing by the LPA. Any interim arrangement shall include a timetable for its provision and supersession by the approved access. Any interim access shall be provided and superseded by the permanent arrangement as agreed. Any interim or the approved access shall be available for use at all times thereafter.

Reason: to ensure this Community Facility remains useable by the public.

27. Prior to the construction of any dwelling served by a bin store or a cycle store as shown in Drawing sw49(04)01J full details of those stores shall be submitted to the local planning authority. Following the LPA's written agreement the store shall be provided fully as agreed prior to the occupation of any unit served by that store.

Reason: in the interests of residential amenity & sustainability.

DIRECTIVE CONDITIONS

28. Notwithstanding the details shown in Drawing SW49(ENG)500B (Foul and Surface Water Drainage Layout Sheet 1 of 4) no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with any details that may be submitted.

Reason: The water environment is at risk and there is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.

29. Piling or any other foundation designs using penetrative methods below 1m in depth shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

30. No works within the River or associated with piling shall be undertaken during the period from 1 March to 30 June.

Reason: To avoid disturbance during the main Shad and Lamprey spawning and migration period in the interests of protecting the integrity of the River Usk SAC and its conservation objectives.

31. No works in-river (below the top of the river bank) shall be undertaken other than January – February and July-August inclusive without the prior written approval of the LPA.

Reason: to avoid adverse impacts on migrating fish species including the Atlantic salmon and to protect the wider interests of the River Usk SAC and its conservation objectives.

32. Any facilities for the storage of oils, fuels and chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tanks the compound shall be at least equivalent to the capacity of the largest tank or the combined capacity of inter-connected tanks plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: to prevent pollution of the water environment.

33. No works other than those necessary to implement the approved river front treatment shown in cross sections sw49(04) 16E & 17E & 18E and any subsequently approved landscaping scheme shall take place until those river front works have been completed as approved (including any fencing and lighting) unless agreed otherwise in writing in relation to specific advanced works.

Reason: to ensure the otter interest of the River Usk is protected and to ensure the appropriate and timely landscaping of the development and to comply with Section 7.120 of Volume 2 of the Environmental Statement Addendum submitted as part of this application.

34. No work of excavation, land raising or construction shall take place within 10 metres of the top of the riverbank between one hour prior to sunset and one hour after sunrise respectively unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure no disturbance is caused to otters migrating up or down the river.

35. Parking provision shall be completed in accordance with the approved details and prior to occupation of the property they serve and shall be retained as approved thereafter.

Reason: in the interests of highway safety and residential amenity.

36. Unless otherwise agreed in writing the site shall be raised to a level of 9.8m AOD in general terms and finished floor levels shall be 9.95m AOD. In the event the site is not universally raised to 9.8m AOD the applicant or any successor in title shall provide a detailed drawing and cross sections showing the heights achieved on the site and how they relate to surrounding existing levels.

Reason: In order to protect the site and its residents from flooding and to ensure a dry egress from the site can be achieved.

NOTE TO APPLICANT

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

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

The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (adopted January 2015). Policies SP1, SP2, SP3, SP4, SP8, SP9, SP10, SP13, SP15, SP18, GP1, GP2, GP3, GP4, GP5, GP6, GP7, CE3, CE9, H1, CF2 & CF4 were relevant to the determination of this application.

Adopted Supplementary Planning Guidance for Planning Obligations, Affordable Housing, Wildlife and Development, New Dwellings and Parking Standards were relevant to the determination of this application.

This permission is subject to a legal agreement under section 106 of the Town and Country Planning Act 1990.

Network Rail need to be consulted on any alterations to ground levels. No excavations should be carried out near to railway embankments, retaining walls or bridges.

Under the Wildlife and Countryside Act 1981 bird species are protected whilst nesting. Therefore, any vegetation to be removed to facilitate the application development should be cleared outside of the peak bird-breeding season (considered to be March through to August inclusive) or within the breeding season only if a pre-clearance survey shows no breeding birds to be present nesting or commencing nesting within the vegetation affected.

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.

The application was accompanied by an Environmental Statement.

A programme of Knotweed eradication should be carried out on in order to ensure a nuisance plant is controlled. The plans have been assessed on the basis of the scale or dimensions stipulated and any statement of 'do not scale' (or similar) has been disregarded.

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

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

Signed on behalf of the Council



Beverly Owen
Head of Regeneration, Investment and Housing
Pennaeth Adfywio, Buddsoddi a Thai

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

Application Number: 13/1279

Decision Date: 11-Aug-2015

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



Notes for Applicants

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Welsh Government

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

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

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

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

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

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

The Choice of Appeal Procedure

The appeal procedures available are:

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

Purchase Notices

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

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

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