

Delegated Decision Report

Application No:	24/1043	Statutory Period Expires:	23rd May April 2025
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Site:	Gwent Car Sales Crawford Street Newport NP19 7AY		
Proposal:	PARTIAL DISCHARGE OF CONDITIONS 2 (FINISHED SLAB LEVELS), 4 (FOUNDATION DESIGN), 8 (RETAINING WALLS, PARAPET AND RAMP DETAILS), 9 (MEANS OF ENCLOSURE), 10 (GREEN ROOF DETAIL), 11 (ULEV SCHEME), 12 (MATERIALS), 13 (ECOLOGICAL ENHANCEMENT) AND 14 (DRAINAGE SCHEME) OF 22/1033 DEMOLITION OF EXISTING BUILDINGS AND THE CONSTRUCTION OF 30NO. APARTMENTS ALONG WITH ASSOCIATED PARKING AND EXTERNAL AREAS (AMENDED PLANS RECEIVED)		
Applicant:	J Moore		
Type:	Discharge Conditions	Ward:	St Julians
Decision:	APPROVED		

1. BACKGROUND

- 1.1 Planning permission was granted in 2024 for the demolition of buildings and construction of 30no apartments and associated works. This application seeks to partially discharged conditions attached to that permission.

2. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
22/1033	DEMOLITION OF EXISTING BUILDINGS AND THE CONSTRUCTION OF 30NO. APARTMENTS ALONG WITH ASSOCIATED PARKING AND EXTERNAL AREAS (AMENDED PLANS RECEIVED)	GRANTED WITH CONDITIONS	3.07.2025

3. CONSULTATION RESPONSES

- 3.1 Natural Resources Wales: **We have no objection to the application as submitted and provide the following advice.**

Condition 2

The submitted plans confirm the finished floor levels of the development shall be set no lower than 9.2m AOD for the car park, 9.3m AOD for the proposed apartment building, 7.92m AOD for the bin storage area, and the site access shall be ramped from 7.6m AOD to 9.2m AOD. Therefore, we have no objection to the discharge of condition 2 of 22/1033.

Condition 4

We have reviewed the amended Piling Risk Assessment Report by Terra Firma (24th January 2025). We are satisfied with the additional information provided in relation to the proposed monitoring programme during the piling activities. Therefore, we have no objection to the discharge of condition 4 of 22/1033.

We have no comments to make in relation to the discharge of conditions 9, 10, 11, 12, 13, and 14 of 22/1033.

- 3.2 Local Highways Authority: Following receipt of additional information, we would update our comments as follows.

Highway recommendation:

2 (FINISHED SLAB LEVELS): no comment.

4 (FOUNDATION DESIGN): Insufficient Information found.

8 (RETAINING WALLS etc.: No objection to partial discharge.

9 (MEANS OF ENCLOSURE): No objection to partial discharge.

- 10 (GREEN ROOF DETAIL): No comment.
 11 (ULEV SCHEME): Information not complete.
 12 (MATERIALS): No objection.
 13 (ECOLOGICAL ENHANCEMENT): No comment
 14 (DRAINAGE SCHEME): No comment.

Highway Comments:

The conditions potentially relevant to Highways are considered below, but the response to conditions 2, 4, 10, 13 and 14 is "No comment".

The ramp appears to be set back approximately 5m, behind highway, but the scales are not standard/available on a scale rule, and we are unable to print or measure accurately. The ramp appears to be around 1:11 approximately. This is very steep but given the set-back it is accepted. There are therefore no objections to partial discharge of condition 8.

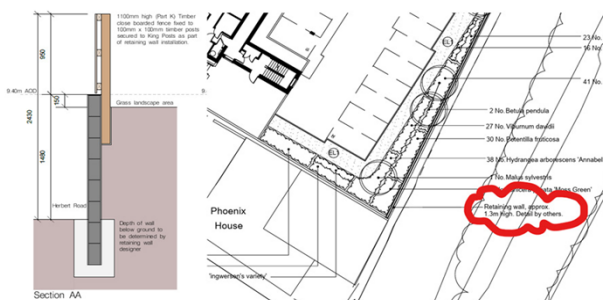
The paving blocks proposed for the parking area are acceptable and there is therefore no objection to partial discharge of condition 12 (in so far as it remains to be provided).

Additional information provided for condition 9 is sufficient to ensure that visibility splays are not impacted along the front boundary. On that basis we would not object to partial discharge subject to confirmation from structural engineers that the rear boundary is stable.

The information provided for condition 11 sets out where the ducting and sockets are to be provided. We are unable to identify the chargers and more importantly the spec of the chargers and potential to supply additional chargers in the future. We do not require a detailed wiring spec only sufficient to know that the supply is adequate, and the type of chargers provided will be of sufficient quality/power rating. Additional drawing notes may be sufficient to address this.

In summary, there does not appear to be sufficient / complete information on the planning portal to discharge the condition 11, but no objection to partial discharge of the other conditions that are potentially relevant to Highways.

- 3.3 Landscape officer: No comments other than the treatment proposed to the rear along Herbert Road (see section below) is an inferior **quality** treatment to that shown in the 3-D image and does not align with the comment on the soft landscape plan. No planting other than occasional trees will be visible from the rear boundary ie the site is visually closed off by a 2.4m high solid wall/fence. The planting scheme has been approved but taller shrub planting should have been specified to reduce the impact of a 2.4m solid boundary.



Images:
 Top Left: Rear elevation viewed from Corner of Herbert Road.

- 3.4 Dwr Cymru – Welsh Water: Dwr Cymru Welsh Water has no objection to this application for the partial discharge of condition 14 of planning permission 22/1033.
- 3.5 Structural Engineer: I find the plan fully satisfactory from a structural point of view. (With regard to condition 8) The calculations are sufficient if all the structural assumptions listed are correct. I think that we may have to suggest that if any of the assumptions are found incorrect then a recalculation will be required. For instance, the assumption that there is no loading from ground water is fine but in most circumstances there is some kind of ground water present. And as they have fitted no drainage through the wall, which appears to be precast concrete slabs, this assumption must be found to be correct during excavation. If any ground water is found, then a recalculation will be needed.
- 3.6 Ecology officer: In terms of Condition 10, green roof detail, I would not object to the discharge of this condition, though for future reference it is worth noting that Sedum roofs use non-native species so if the development were closer to natural habitats then I would prefer if native species were used. However, as the proposal is in a heavily urbanised area, I would

not object to a sedum roof on this occasion.

For the Ecological Enhancement condition 13, it is disappointing that my comments in relation to application 22/1033 were not taken into account, and two bird boxes / two bat boxes seems a limited offering for a development of 30 apartments. However, in the absence of adopted guidance for ecological enhancement in developments of this nature, and taking into account the other biodiversity benefits such as the landscaping measures proposed, I do not have grounds to object to discharge of this condition. In addition, the orientation of the main building is such that there is limited scope for more bat/bird boxes. Bird nest boxes are normally placed on a northern elevation, so there is limited room for these features in this instance. Similarly, we normally ask bat roosting boxes to be placed on a southern elevation, and as this is a narrow elevation there is less room for more bat boxes.

In addition, it is normally better if features such as bat bricks and swift brick are incorporated into the structure of a building so that they are permanent, and less prone to disturbance. However I see that the top floor will be clad in Catnic Urban Standing Seam cladding, which is less easy to incorporate these features into. Therefore I would accept the make and model of bat and bird boxes proposed in this instance.

8. ASSESSMENT

8.1 Condition 2 states:

No development (excluding demolition), shall commence until details and plans showing the finished slab level of the building(s) hereby approved, together with cross sections through the site, have been submitted to and approved in writing by the Local Planning Authority. The finished floor levels of the development shall be set no lower than 9.2m AOD for the car park, and 9.3m AOD for the proposed apartment building. The site access shall be ramped from 7.6m AOD to 9.2m AOD, and the bin storage area will have a finished floor level of 7.92m. The development shall be undertaken in accordance with the Flood Consequence Assessment Version 3 by JBA Consulting dated May 2023.

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.

- 8.2 The applicant has provided details confirming that finished floor levels will be no lower than 9.2m AOD for the car park and 9.3m AOD for the apartment building. The ramp access and bin store are also shown to be in accordance with the condition. The information provided is acceptable and NRW raises no concerns in relation to flood mitigation matters. In visual terms, the building will have an elevated parking area and finished floor level but both are adequately incorporated into the design and will not represent overbearing or obtrusive features. The condition can be partially discharged.

8.3 Condition 4 states:

No development shall commence (excluding demolition) until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater and the structural integrity of neighbouring buildings have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason: Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater or building damage during construction and methods/design are agreed prior to the commencement of development or phase of development in accordance with Policy GP2 and GP7 of the NLDP.

- 8.4 The condition was requested by NRW who subsequently confirm they have no objection to the information provided to discharge the condition.

8.5 Condition 8 states:

No development shall commence until full details of all retaining walls, parapet and

vehicular ramp have been submitted to and approved in writing by the local planning authority. The details shall include but not limited to structural calculations for any retaining structures, heights and materials (which shall be robust and suitable for their intended purpose). 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.

- 8.6 The applicant has provided full details which show a King Post retaining wall with a slate finish varying in heights to the rear and either end of the site. The King Post retaining wall is shown below:



- 8.7 With regard to the structural calculations, the Council's structural engineer advises that he accepts the assumptions that have been made, however if site conditions differ then re-calculation will be needed. The applicant can be advised of this by way of an informative.
- 8.8 Whilst the Landscape officer's comments are duly noted, it was noted under the consideration of the parent application that the retaining walls would have a maximum height of 2.6m and the information submitted to discharge the condition complies with this. Furthermore, it was also noted that the most prominent retaining wall would be at the rear of the site along Herbert Road but as Herbert Road is not fronted by dwellings and is a low trafficked road, it is not considered that the retaining wall would be visually obtrusive.

- 8.9 Condition 9 states:

Prior to the commencement of construction on site full details of all means of enclosure shall be submitted to and approved in writing by the local planning authority. 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 retained for the lifetime of development.

Reason: In the interests of visual and neighbouring amenity in accordance with Policies GP2 and GP6 of the NLDP.

- 8.10 The condition somewhat duplicated condition 8 relating to retaining & parapet walls. In addition to the details listed above, 1100mm high hoop top fencing in green is proposed to the frontage of the site. A close boarded fence is proposed to the bin store facing Herbert Road. The information provided is considered to be acceptable.

- 8.11 Condition 10 states:

Prior to the construction of the development hereby approved full details of the green roofs shall be 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. The development shall be completed in accordance with the approved details and timings and shall thereafter be permanently maintained thus.

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

- 8.12 The Green roofs to the bin store and the bike store will be a Bauder Extensive Sedum blanket on a cold bitumen applied waterproof finish. The information provided states Sedum roofs require little to no maintenance and plants are self germinating and replacing. The roofs will be inspected by the appointed Landscape Consultant, DP Landscapes as part of the services set out in the Landscape Management Plan submitted as part of the planning application and approved. The Council's Landscape officer offers no objections to the information provided to discharge the condition.

- 8.13 Condition 11 states:

Prior to the construction of the development hereby approved a scheme of Ultra Low Energy Vehicle infrastructure shall be submitted to the LPA and written approval received. The infrastructure shall be implemented in accordance with the approved details prior to the first beneficial occupation of any unit and thereafter be permanently retained.

Reason: In the interests of preventing increased air pollution and impact on local amenity in accordance with Policies GP2 and GP7 of the NLDP.

- 8.14 The Council's Highways officer has requested further information be provided to discharge this condition including details of chargers. However, the condition requires details of suitable infrastructure to enable EV chargers to be provided in the future. This information has been provided and as such the requirements of the condition are met.

- 8.15 Condition 12 states:

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 in accordance with the approved details and retained for lifetime of development.

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

- 8.16 The following materials are proposed:

Location	Material	Manufacturer/Reference	Image/Sample
Upper cladding	Grey metal cladding	Tata Catnic Urban standing seam, colour Merlin BS18B25 https://www.tatasteeleurope.com/construction/key-products/colorcoat-urban	
Render	Silicone Render	K-rend Silicone TC05 colour Antique White https://www.k-rend.co.uk/products/renderers/silicone-tc-05	
Brickwork	Red facing bricks	ibstock Brunswick Red Refer to submitted document cb6d514a-098a-4181-b2a9-4109068e5180 and https://www.ibstock.co.uk/product/bricks/A0637A?page=1&	
Paving	Block paving	450x450mm flag paving. Marshalls Chamwood - French Grey https://www.marshalls.co.uk/commercial/product/chamwood-paving	
Permeable paving to Car park areas	Block paving	Marshalls Piora (Burnt Ochre) https://www.marshalls.co.uk/commercial/product/piora-permeable-block-paving	
Windows/Doors	Grey UPVC	TBC	
Ramp	Brushed concrete	Generic	

8.17 The materials pallet is in keeping with those indicated at full planning stage where it was noted as part of the officer report that: *“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 and would help to break up the expanse of the building façade. Windows will be grey powder coated aluminium to compliment the vertical cladding to the upper floor.”*

8.18 The information provided to discharge condition 12 is considered to be acceptable.

8.19 Condition 13 states:

A scheme of ecological enhancement to provide net benefit to biodiversity is submitted to and approved in writing by the local planning authority. This shall include full details of the location and specification of ecological enhancements and the timing of their inclusion. The details shall then be implemented as approved and shall be retained in perpetuity.

Reason: To provide ecological net benefit on the site as required by the Environment (Wales) Act 2016 and Planning Policy Wales.

- 8.20 In response to the information provided the Council's Ecology officer has expressed concerns that the measures are disappointing with two bird boxes / two bat boxes being proposed. However, in the absence of adopted guidance for ecological enhancement in developments of this nature, and taking into account the other biodiversity benefits such as the landscaping measures proposed, the ecology officer does not object to discharge of this condition.

- 8.22 Condition 14 states:

Prior to the construction of the development hereby approved a drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water 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 in accordance with Policy SP1 of the NLDP.

- 8.23 The information provided shows foul drainage discharging main equipment. DC – WW have been consulted and confirm no objections are offered to the proposals.

9. OTHER CONSIDERATIONS

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

- 9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

- 9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 *Planning (Wales) Act 2015 (Welsh language)*

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 *Newport's Well-Being Plan 2018-23*

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. CONCLUSION

- 10.1 The information provided to partially discharge the conditions is acceptable and the application is approved.

11. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to plan Nos: Proposed elevations 1528-PL2-06E, Preliminary sections 1528:WD:400J, 1528PL207D Site section, Ground floor/site plan 1528-PL-05E, Boundary treatments 1528-PL2-12, Foul Drainage layout 020P2, Site GF Plan 1528PL205D, Retaining wall/fence details 1528PL213, Team elite brochure 2022, R01_Landscape Management Plan, BauderGREEN-XF-301-System-Summary, BauderLtd-ExtensiveGreenRoofSystem-XF301SedumBlanket, XF301 Sedum Blanket Specification, XF 301 and SB Sedum Species List, 1528 PL2 GIS Green Infrastructure Statement, covering letter by Kenedy James Griffiths dated 6th January 2025, INT22059-101-P02-foundation details, SK.A (Structural calculations), INT22059-100-P04-FOUNDATION & PILING LAYOUT, 17245 - Crawford Street Piling Risk Assessment Report 02, 17245 - Crawford Street, Newport - Issue 4, 1528 PL2 05E Site GF Plan, 1528 PL2 06E Elevations, 1528 PL2 07D Site Section, 1528 PL2 12 Boundary Treatments, INTRADO Ramp sections.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No Policies were relevant to the determination of this application.

03 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

04 With regard to condition 8 and the structural calculations provided, the applicant is advised that an application must be made to re-discharge the condition if it is later found that the re-calculation is necessary.