

APPLICATION DETAILS

No: 18/0293 **Ward:** ST JULIANS

Type: FULL+ENV STATEMENT

Expiry Date: 23-JUL-2018

Applicant: POBL GROUP

Site: LAND TO SOUTH OF GLAN USK PRIMARY SCHOOL, HERBERT ROAD, NEWPORT

Proposal: DEVELOPMENT OF 195NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AFFECTING PUBLIC RIGHT OF WAY 407/1

Recommendation: GRANTED WITH CONDITIONS WITH DELEGATED AUTHORITY TO REFUSE THE APPLICAION IF THE SECTION 106 AGREEMENT IS NOT COMPLETED WITHIN 3 MONTHS OF ANY RESOLUTION TO GRANT PLANNING PERMISSION.

1. INTRODUCTION

1.1 The applicant is seeking full planning permission for the construction of 195 dwellings (89 flats / 106 houses) on land to the south of Glan Usk Primary School. The scheme will include associated roads, footpaths, landscaping and necessary infrastructure. Public Right of Way 407/1 runs along the site's western boundary adjacent to the River Usk.

Table 01 – Accommodation by type and tenure

<i>Accommodation</i>			
<i>Houses</i>	<i>Market</i>	<i>Affordable</i>	<i>total</i>
<i>2 bedroom</i>	16	36	52
<i>3 bedroom</i>	31	23	54
<i>Total Houses</i>	47	59	106
<i>Flats</i>			
<i>1 bedroom</i>	0	24	24
<i>2 bedroom</i>	48	17	65
<i>Total Flats</i>	48	41	89
<i>Total</i>	95	100	195

1.2 The site is bounded by the River Usk to the west, Glan Usk School to the north and the railway line (Newport – Caerleon) to the east. Parts of the site abut industrial land including the Crawford Trading Estate. There is an extant planning permission for the site (13/1279) which has been part implemented with the construction of 20No. flats, the partial completion of the access road from Courtney Street and the provision of some landscaping works along the top of the river bank. In effect this application seeks a re-plan of permission 13/1279 in relation to the northern part of the site. Issues such as flooding, noise & vibration, drainage, ecology, contamination, sustainability and highway & junction capacity have been considered under application 13/1279 and have been shown to be capable of satisfactory resolution.

1.3 As such the key issues that arise under this determination are:

- Design of the proposed buildings
- Parking provision
- Suitability of the road layout
- Amenity of occupiers
 - Internal space standards
 - Private garden areas balconies
 - Public open space
- Landscaping

- Affordable housing provision and other S106 contributions
- Air Quality (Caerleon Road)
- Appropriate Assessment (River Usk SAC)

Minor Issues are:

- Surface water drainage arrangements
- Security of Parking Courts
- Ground Contamination
- Impact on the River Usk Special Landscape Area

2. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
00/0768	REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT & HARD PLAY AREAS & RESIDENTIAL DEVELOPMENT	GC 06 November 2000
03/1531	ERECTION OF A REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT AND HARD PLAY AREAS AND RESIDENTIAL DEVELOPMENT (PURSUANT TO 00/0768)	AC 25 May 2004
13/1279	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	GC 11 August 2015
14/0300	PARTIAL DISCHARGE OF CONDITION 6 (SITE INVESTIGATION AND REMEDIATION STRATEGY FOR RESIDENTIAL AREA) OF PLANNING PERMISSION 00/0768 FOR THE REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT AND HARD PLAY AREAS AND RESIDENTIAL DEVELOPMENT	A 05 June 2014
14/0332	PARTIAL DISCHARGE OF CONDITION 09 (WHEEL WASH AND DUST SUPPRESSION MEASURES) OF PLANNING PERMISSION 00/0768 FOR REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT AND HARD PLAY AREAS AND RESIDENTIAL DEVELOPMENT	A 07 May 214
15/0257	PARTIAL DISCHARGE OF CONDITION 16 (WORKING METHOD STATEMENT AND CODE OF CONSTRUCTION PRACTICE) OF PLANNING PERMISSION 00/0768/o FOR A REPLACEMENT PRIMARY SCHOOL AND RESIDENTIAL DEVELOPMENT	R 15 September 2016
15/0270	PARTIAL DISCHARGE OF CONDITION 10 (ROUTE OF CONSTRUCTION TRAFFIC) OF PLANNING PERMISSION 00/0768 FOR REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT AT THE GLEBELANDS, ST JULIANS	A 16 April 2015
15/0408	PARTIAL DISCHARGE OF CONDITIONS 05 (REMEDIATION STRATEGY TO SAFEGUARD THE AQUATIC ENVIRONMENT) AND 06 (REMEDIATION STRATEGY TO SAFEGUARD RESIDENTIAL AMENITIES) OF PLANNING PERMISSION 00/0768 FOR REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT AND HARD PLAY AREAS AND RESIDENTIAL DEVELOPMENT IN RELATION TO THE AREA OF RESIDENTIAL DEVELOPMENT ONLY	A 25 June 2015
15/0977	PARTIAL DISCHARGE OF CONDITIONS 05 (REMEDIATION STRATEGY TO SAFEGUARD THE AQUATIC ENVIRONMENT) AND 06 (REMEDIATION TO SAFEGUARD RESIDENTIAL AMENITIES) OF PLANNING PERMISSION 00/0768 FOR REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT & HARD PLAY AREAS & RESIDENTIAL DEVELOPMENT (IN RELATION TO THE RESIDENTIAL AREA ONLY AND AMENDMENT TO	A 17 December 2015

	APPROVAL 15/0408)	
15/1231	NON MATERIAL AMENDMENT TO EARTH EMBANKMENTS TO EASTERN AND WESTERN BOUNDARIES GRANTED PERMISSION UNDER APPLICATION 13/1279.	AC 10 December 2015
16/1285	PARTIAL DISCHARGE OF CONDITION 7 (PHASING) OF PLANNING PERMISSION 13/1279 FOR THE 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	A 26 January 2017
17/0037	EIA SCOPING OPINION FOR THE CONSTRUCTION OF 195NO. RESIDENTIAL UNITS, ESTATE ROADS, PARKING, LANDSCAPING AND ASSOCIATED WORKS	EIA Development 13 February 2017
17/0041	PARTIAL DISCHARGE OF CONDITION 04 (CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN) OF PLANNING PERMISSION 13/1279 FOR 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 (RELATES TO PHASE 1 OF DEVELOPMENT ONLY).	A 09 March 2017
17/0082	DISCHARGE OF CONDITION 03 (REMEDIATION STRATEGY), PARTIAL DISCHARGE OF CONDITION 10 (REMEDIATION VERIFICATION REPORT) AND PARTIAL DISCHARGE OF CONDITION 20 (IMPORTED MATERIAL) OF PLANNING PERMISSION 13/1279 FOR CONSTRUCTION OF 251NO. DWELLINGS ON LAND SOUTH OF GLAN USK PRIMARY SCHOOL	A 16 March 2017
17/0113	PARTIAL DISCHARGE OF CONDITION 25 (DELIVERY PLAN) OF PLANNING PERMISSION 13/1279 FOR 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	A 06 April 2017
17/0138	PARTIAL DISCHARGE OF CONDITION 05 (OTTER MITIGATION) OF PLANNING PERMISSION 13/1279 FOR 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	A 13 April 2017
17/0183	PARTIAL DISCHARGE OF CONDITION 02 (DRAINAGE), 08 (ROADS/CYCLEWAYS/FOOTWAYS), 17 (HYDROCARBON REMOVAL) AND 23 (MATERIALS) OF PLANNING PERMISSION 13/1279 FOR 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 IN RELATION TO PART OF PHASE 1.	A 26 April 2017
17/0208	PARTIAL DISCHARGE OF CONDITIONS 16 (REEN WIDENING) AND 21 (STREET LIGHTING) OF PLANNING PERMISSION 13/1279 FOR THE 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	A 11 May 2017
17/0211	PARTIAL DISCHARGE OF CONDITIONS 6 (LANDSCAPING) 9 (ECOLOGICAL MANAGEMENT SCHEME) AND 27 (CYCLE	A 04 May 2017

	PARKING AND BIN STORE) OF PLANNING PERMISSION 13/1279 FOR THE 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	
17/0223	PARTIAL DISCHARGE OF CONDITIONS 14 (NOISE ATTENUATION FENCING) AND 24 (BOUNDARY TREATMENTS) OF PLANNING PERMISSION 13/1279 FOR THE 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	A 15 June 2017
17/0453	PARTIAL DISCHARGE OF CONDITION 6 (LANDSCAPING SCHEME), CONDITION 22 (LANDSCAPING MANAGEMENT) AND 23 (MATERIALS) OF PLANNING PERMISSION 13/1279 FOR DEVELOPMENT OF 251NO. DWELLINGS AND ASSOCIATED WORKS IN RELATION TO PHASE 1 ONLY.	A 22 June 2017
17/0569	PARTIAL DISCHARGE OF CONDITION 29 (PILING) OF PLANNING PERMISSION 13/1279 FOR DEVELOPMENT OF 251NO. DWELLINGS AND ASSOCIATED WORKS	A 13 July 2017
17/0744	NON MATERIAL AMENDMENT TO 13/1279 TO INCREASE FOOTPRINT OF BUILDING BY 0.3M IN WIDTH AND 0.15M IN DEPTH	AC 24 August 2017
17/0970	PARTIAL DISCHARGE OF CONDITIONS 16 (REEN WIDENING WORKS) AND 24 (BOUNDARY TREATMENTS AROUND THE REEN) OF PLANNING PERMISSION 13/1279 FOR DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS	A 15 December 2017

3. POLICY CONTEXT

3.1 LDP policies of particular relevance to determination of this application include:

- SP1 - Sustainability
- SP3 – Flood Risk
- SP8 – Special Landscape Areas
- SP9 – Conservation of the Natural, Historic and Built Environment
- SP10 – House Building Requirement
- SP13 – Planning Obligations
- SP18 - Urban Regeneration
- H3 – Housing Mix and Density
- H4 – Affordable Housing – Newport East Sub Market Area of 20%
- GP1- Climate Change
- GP3 – Service Infrastructure
- GP2 – General Amenity
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- GP7 – Environmental Protection and Public Health
- CE1 – Routeways, Corridors & Gateways
- CE2 – Waterfront Development
- CE3 – Environmental Spaces & Corridors
- H1 – Housing Sites
- H2 – Housing Standards
- H3 – Housing Mix & Density
- H4 – Affordable Housing
- T3 – Road hierarchy
- T4 – Parking
- T5 – Walking & Cycling
- T6 – Public Rights of Way Improvement

- CF2 – Outdoor Playspace Requirement
- CF4 – Riverfront Access

Relevant Supplementary Planning Guidance

- Parking Standards
- New Dwellings
- Air Quality
- Playspace

4. CONSULTATIONS

4.1 DWR CYMRU / WELSH WATER (DCWW):

Sewerage

- 4.1.2 It can be confirmed that the foul flows only from the proposed development can be accommodated within the public sewerage system. Having previously been in extensive dialogue with the developer & having been consulted formally as part of the 2d pre-planning application process for this development, we were able to advise that we were satisfied with the proposed method of surface water discharge from the development site of which will discharge to the local watercourse (based on drawing number 001 Revision D within the drainage strategy that has now been submitted with this application). We were also able to advise that the site is crossed by a number of large diameter sewers (as shown on the attached public sewer extract plan). We acknowledge the proposed layout drawing (drawing number: DCWW-01) shows these assets and that the developer has taken into account the required easement zones of each sewer.
- 4.1.3 It was also advised that the existing easement shown on drawing 002 FW Revision C is encroached upon by plot 46. We note a Piling Strategy has been submitted with this application and it has been agreed with the developer that this is to be submitted within the future Section 104 agreement and will be assessed at this stage. We note the developer has acknowledged this in section 11.97 of Chapter 11: Drainage within the submitted Environmental Statement.
- 4.1.4 If you are minded to grant Planning Consent for the above development that the Conditions and **Advisory Notes** listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Conditions *No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details as shown on drawing numbers: 001 Rev D; 002 FW Rev C; S104 Rev E; 520; 521 & 522. Thereafter no further surface water and/or 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.

Sewage Treatment

- 4.1.5 No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.
- 4.2 **CYFOETH NATURIOL CYMRU / NATURAL RESOURCES WALES (CNC/NRW):**
- 4.2.1 We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified, and we would not object provided you attach them to the planning permission. The suggested conditions relate to:

Condition 1: Flood Risk

Condition 2: European Protected Species (EPS)

Condition 3: River Usk, Special Area of Conservation

Conditions 4-7: Land Contamination

Flood Risk

- 4.2.2 The application site lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15). We confirm the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, a designated main river.
- 4.2.3 We have reviewed the submitted Flood Consequences Assessment (FCA) produced by Waterman dated March 2018. The FCA has been informed by the latest NRW tidal model and is therefore fit for purpose.

Advice on Table A1.14 of TAN15

- 4.2.4 Based on a proposed finished floor levels of 9.95m AOD in the southern area of the development and 10.40m AOD in the northern area of the development the site will remain flood free during the predicted 0.5% plus CCA event and is therefore designed to meet A1.14 criteria. We therefore advise a condition to set the finished floor levels is included on any permission your Authority is minded to grant.

Condition 1: The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequence Assessment (FCA) produced by Waterman, Reference WIE12961-101-R-1-5-1-FCA dated 26th March 2018, and the following mitigation measures detailed within the FCA:

• Finished Floor Levels are set to 10.40 metres Above Ordnance Datum (mAOD) and 9.95 mAOD within the northern and southern areas of the development respectively.

Advice on A1.15

- 4.2.5 During the 0.1% plus CCA the site is predicted to flood to 10.8m AOD and a depth of approximately 620mm. Further to this we note the following:
- The maximum rate of rise is 0.15 m/hr (>0.1 m/hr)
 - Maximum speed of inundation is 15 hours (<4 hours)
 - Maximum velocity of flooding is 1.5, mainly 0.2 metres/sec (>0.15 metres/sec)
- 4.2.6 Aside from speed of inundation, the above values exceed the tolerable limits of A1.15 criteria of TAN 15. However, we note these are based on 'Version 3' model outputs. These figures are more conservative compared to 'Version 6' (current NRW model). Based on the current model the site is predicted to flood to a depth of 9.8m AOD. Based on the proposed finished floor level, the site is predicted to be flood free during the 0.1% plus CCA event. The FCA states that an evacuation route is proposed for pedestrians via the north of the site through the underpass beneath the railway embankment leading to Charnwood Road. Emergency access will be through Glan Usk School to Bank Street.
- 4.2.7 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 the acceptability of the developer's proposals, on matters we cannot advise you on such as emergency plans, procedures and measures to address structural damage that may result from flooding. We refer you to the above information and the FCA to aid these considerations. Please note, we do not normally comment on or approve 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.

Flood Risk Activity Permit

- 4.2.8 Please note the applicant will require a Flood Risk Activity Permit (FRAP) from Natural Resources Wales. Further information on the FRAP application process is available on our website: <https://naturalresources.wales/apply-for-a-permit/flood-risk-activities/?lang=en>

European Protected Species

- 4.2.9 We have reviewed the submitted otter survey report entitled 'Land at Herbert Road Newport Otter Mitigation Strategy', prepared by David Clements Ecology Ltd, dated March 2017 and 'Land at Herbert Road Newport, Wildlife Protection Plan and Environmental Management Plan' prepared by David Clements Ecology Ltd dated April 2017.
- 4.2.10 We note from the survey report that the application site was concluded as having limited potential for otter resting sites, however, the site is adjacent to a Special Area of Conservation with otters as a designating feature.
- 4.2.11 We note a series of mitigation measures are included under section 2.0 of the submitted ecology report. We therefore note there will not be a detriment to the maintenance of the favourable conservation status of the otters present, providing that the mitigation measures outlined are implemented. We therefore advise the following condition is attached to any permission your authority is minded to grant;

Condition 2: The development permitted shall be carried out in accordance with the mitigation measures set out submitted 'Land at Herbert Road Newport Otter Mitigation Strategy', prepared by David Clements Ecology Ltd, dated March 2017.

River Usk Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI)

- 4.2.12 The application site is within close proximity of the River Usk SAC/SSSI. We note that the rare fish species present, Allis and Twaite Shad, which are a feature of the SAC, are especially sensitive to vibration. We therefore recommend the following condition to be included on any permission you are minded to grant;

Condition 3: Any construction works of any type in the river channel or any works that result in vibration e.g. drilling, boring, piling or demolition works on or adjacent to the riverbank must be timed to avoid the migration period between March – June inclusive.

We recommend that Newport City Council, as the competent authority, carry out an appropriate assessment of the proposal.

Land Contamination

- 4.2.13 In line with our comments provide at Statutory Pre-Application we advise the following conditions as previously secured under planning permission 13/1279 are included on any permission your authority is minded to grant.

Condition 4: 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.*

Condition 5: 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.*

Condition 6: 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.*

Condition 7: 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.*

4.3 HEDDLU GWENT POLICE (DESIGNING OUT CRIME OFFICER)

4.3.1 I have no objections in principle, however I have some reservations concerning the design of the site in regards to the amount of parking courts, as these can become areas in which Anti-Social Behaviour can occur particularly if they are not well lit and overlooked. If they are unavoidable, they need to be overlooked by habitable rooms from the surrounding dwellings. Habitable rooms are classed as kitchens, dining rooms and living rooms. The parking areas will also need to be lit to adoptable street lighting standards. (BS 5489). I would also suggest a change of road surface to distinguish between public and private areas, along with signage to indicate that it is for 'Residents only'.

4.3.2 Further to the above, I would suggest that the site is built to meet the standards found within Secured by Design's 'Homes 2016' Guide, ensuring a safe and sustainable development for the future. Points for consideration are listed below, however the list is not exhaustive, for further guidance please see www.securedbydesign.com:

- Windows and Doors should meet the security standard PAS 24:2016
- Lighting at the front and rear of dwellings should be dusk to dawn and not PIR
- Rear boundaries should be a minimum height of 1.8m close boarded fencing
- Front boundaries to be no higher than 1m in height not to obstruct surveillance
- Gates giving access to rear gardens should be as close to the front of the building line as possible

4.4 WALES & WEST UTILITIES: Advise of equipment in the area and safe working practices.

4.5 WESTERN POWER DISTRIBUTION: Advise of equipment in the area and safe working practices.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF REGNERATION, INVESTMENT & HOUSING (PLANNING POLICY):

5.1.1 The site is a housing allocation within the Local Development Plan (H1(5)) for 153 units. The site also has an extant planning permission for 251 units, of which 20 flats are currently under construction. The proposal is to reduce the remaining part of the scheme (231units) to 206 units; a loss of 25 units from the extant permission but still an increase from the LDP allocation. The principle of residential development is therefore well established and the progression of site towards completion is welcomed.

The following comments are concerned with amendments to the proposal and any policy implications:

Density

5.1.2 A density of 43 dwelling per hectare is proposed for the entire scheme. This is consistent with recommended density proposed for in Policy H3 of the LDP.

Affordable Housing

- 5.1.3 An affordable housing contribution of 15% was agreed as part of the previous planning permission. This planning application also proposes to provide 15% (31 units) affordable units. The level of affordable housing proposed does not meet the policy requirement of 20% (41 units) and there is no information submitted which informs the reduction in terms of viability impacts. The views of the Housing Manager and Planning Obligations Manager should be sought on this matter.
- 5.1.4 The application site now covers a smaller area than the extant permission but it must be noted that the affordable housing in total for the 227 units is 26%, which is greater than the policy requirement of 20% and is therefore welcomed. This is in line with paragraph 4.8 of the affordable housing SPG, which states 'Where sites are sub-divided, the Council will seek to secure an appropriate amount of affordable housing, as if the whole site were to be developed. Where a site is adjacent and related to a previously developed site, subsequent developers will be expected to make provision to reflect the numbers on the combined parts of the site.'

Air Quality

- 5.1.5 The site is located within an Air Quality Planning Buffer for the Air Quality Management Area (AQMA) at Caerleon Road. The air quality buffer zone is set out in the Air Quality Supplementary Planning Guidance (adopted 2018) and requires applicants to consider their impact on air quality from their development and mitigate where an impact is found. A response from the scientific officer of the Council will provide detailed comments concerning this constraint.

Conclusion

- 5.1.6 Progress on the site is supported and the principle of residential development is well established on this site and is in accordance with the LDP strategy and site specific allocation. Whilst the provision of 15% affordable housing was previously agreed information as to why the reduction from the policy requirement is sought. In addition the impact from the development on air quality matters should also be satisfied before the application can be supported.

- 5.2 HEAD OF REGENERATION, INVESTMENT & HOUSING (HOUSING MANAGER): The applicant is a housing association registered with Welsh Government and a partner of the City Council for the delivery of affordable housing. The proposal is to provide 60 affordable housing units which is considerably in excess of the previous land owners proposal. The properties will completely meet Welsh Government standards and will be advertised and allocated through the Common Housing Registered. Properties are of varying types and sizes and address the prevailing housing need including the provision of a small block of apartments for applicants over 55. The affordable housing units are appropriately distributed throughout the site and ensure the provision of a mixed and balanced community. The Housing Department therefore fully supports the application.

- 5.3 HEAD OF STREETSCENE & CITY SERVICES (HIGHWAYS)

- 5.3.1 I have reviewed the revised submission for application 18/0293. A number of highway issues have been addressed however I still have some concerns regarding highway safety and the provision of parking, please see the following comments.

- i. Visibility splays have now been shown at 2.4x25m, given the extent of forward visibility 85th percentile vehicle speeds will be in excess of 20mph, therefore splays do not conform to manual for streets which is detrimental to highway safety. Either splays would need to be increased or measures put in place to reduce vehicle speeds.
- ii. It has not been demonstrated that refuse vehicles can pass a large car, it is accepted that some lane overrunning may occur at junctions where vehicles anticipate stopping, however a car and refuse vehicle should be able to pass on bends. Inability to do this risks collision, overrunning of footways or reversing manoeuvres on the highway to the detriment of highway safety.

- iii. I retain my previous comments regarding the pedestrian links provided at the North Eastern and North Western end of the site linking to the adopted footway, these should not be gated, unobstructed pedestrian links should be provided.
- iv. The majority of shared drive access points have now been updated to 4.5m with the exception of the plots 138-143, this now has a 3.5m entrance. It would need to be 4.5m to allow passing for 2 vehicles.
- v. Entrances to undercroft parking areas, although increased, are still only 4.0m in width, this is inadequate to accommodate 2 way vehicle passing, particularly given the adjacent walls reducing the effective width. This leads to the risk of vehicles reversing across the footway to the detriment of highway safety.
- vi. Considering the limited space to manoeuvre I would question whether vehicles can access and egress the undercroft parking for plots 51, 53, 122, 124, 174-175 and 187-188 in a forward gear. This should be demonstrated with vehicle tracking.
- vii. The shared drives to plots 127-132 are 4.5m for the full length, in accordance with the parking standards vehicles require 6m of space to undertake reversing manoeuvres. It is therefore a concern that vehicles would reverse over the adjacent footway to the detriment of pedestrian safety. In addition the footpath would need to be protected from indiscriminate parking. The footway should be continuous for pedestrian movements.
- viii. Parking for Plots 49, 126, 176, 183, 184, 189, 192 is divorced from the properties with no direct access from the property to the parking spaces, this is likely to lead to parking on the highway reducing capacity for visitor parking and inhibiting the free flow of traffic.
- ix. Parking spaces in front of garages for plots 173, 176 do not conform to the SPG parking standards. Spaces should be 5.5m where abutting a structure.

5.3.2 I would reiterate comment formerly made regarding conditions and s106 obligations.

Conditions

- 1. *It should be conditioned for full engineering details for the roads including details of widths, gradients, long sections, construction details and specifications, drainage and street lighting must be submitted for approval. The roads must be constructed in accordance with the approved drawings.*

S106 Obligations

- 2. *It is considered that the impact on the existing Highways Network of proposed application 18/0293 is commensurate with that of approved application 13/1279. Therefore I would seek to retain the Highways obligations imposed in the s106 agreement that was put in place as a result of application 13/1279.*

5.4 HEAD OF STREETSCENE & CITY SERVICES (DRAINAGE): Upon review of application 18/0293, a full drainage design needs to be provided to demonstrate how surface water is to be managed for the site. The application advises that surface water is to be managed by using SUDS, soakaway and discharge to watercourse. In order to comment further, I need sight of such information.

5.5 HEAD OF STREETSCENE & CITY SERVICES (LANDSCAPING)

5.5.1 Boundaries to the east are defined by gabions or earth bank retaining walls, generally these are 2.5m high structures topped by a 1.8m fence. Where these are within rear gardens no planting is proposed (see extract below), where these are visible to the public realm planting is proposed but often this is mass planting of low evergreen shrubs such as *Lonicera nitida* or *Prunus Otto Luyken* (refer plans LA4 and LA6). The development density has presumably resulted in the need for retaining structures. I feel the planting plan should address the visual impact of these retaining structures and also identify any opportunities to provide a Green Infrastructure route along the site boundary.

- 5.5.2 I have read through the LVIA which provides mitigation recommendations at a strategic level. However as there is no green infrastructure strategy, the level of detail jumps from the LVIA to a detailed planting plan. A green infrastructure strategy with zoning of the site linked to objectives would help with future maintenance and management.
- 5.5.3 A maintenance and management plan is required, of particular interest is the River Usk frontage, Lotterys Reen, and the sites relationship with adjacent land uses. The planting mixes contain a high proportion of amenity grasses which will have a high M&M requirement in order to maintain their form.
- 5.5.4 The tree size for multi-stemmed *Betula pendula* along the west frontage should be increased from the current proposed pot size of 70L. There are no other trees along the frontage, these will be the only significant green vertical elements to break up the building elevations. The Streetscene elevation is misleading, showing single stem trees at 10m+ height. In order to provide instant impact, trees of at least 100L and ideally 150L should be specified (especially as these are multi-stemmed).
- 5.5.5 It is not clear what the proposals are for Lottery Reen. The LVIA refers to a TDA Plan for Lottery Reen ref TDA 2283.01 but I can't see this in the submitted information on-line.
- 5.5.6 The hedge bank has already been implemented along the River Usk. The M&M Plan should incorporate this feature. It is not clear how views for pedestrians of the Usk will be conserved. In addition the photos below show that the 'soil' contains a high proportion of brick and other waste and water is ponding.
- 5.5.7 Although outside the site, it is not clear how the surfaced riverside path continues north between the river and school. This is an important missing walking/cycling link to access recreation amenities – will this remain as grass or are there proposals for surfacing?

5.6 PUBLIC PROTECTION MANAGER (NOISE):

- 5.6.1 I refer to the above application passed to Noise & Neighbourhood Team for comment. I note that the following noise mitigation information is provided:
- Drawing titled 'Herbert Rd Retaining Walls' Rev A dated 7/3/17 showing proposed embankment / gabions with acoustic fence above
 - Acoustic fencing data sheet PCD12
- 5.6.2 In addition I am pleased to note that the ENVIRONMENTAL STATEMENT non tech summary provides in 12.3 '*During the detailed design phase of the project, a more detailed assessment will be undertaken*'.
- 5.6.3 However I do not necessarily agree with 12.5 of the report which provides '*through appropriate use of a physical barrier between Crawford Industrial Estate and the residential areas that there would be insignificant effects arising from noise upon the residential areas of the proposed Development*'. The Waterman Assessment of Environmental Noise November 2013 report submitted with the earlier application for residential development (13/1279) provided Indicative Required Façade Attenuation Levels including to the southern boundary adjacent to the industrial area.
- 5.6.4 I therefore advise that I do not object to this application but recommend that any grant of permission is subject to the following condition:

*Prior to the development commencing noise mitigation measures to the proposed residential facades adjacent to the railway line and industrial areas, having regard to appropriate standards and guidance such as BS8233:2014, BS4142:2014 and Planning Guidance Wales – Technical Advice Note 11, to be submitted to and approved in writing by the Planning Authority. No dwelling shall be occupied until the mitigation measures have been installed to that property in accordance with the approved details.
Reason: To ensure that the amenities of future occupiers are protected.*

5.7 PUBLIC PROTECTION MANAGER (SCIENTIFIC OFFICER)

Air Quality

- 5.7.1 The air quality report provided to justify this application has shortcomings (for example the model is on the upper limit of acceptable verification (25%) as outlined in the Technical Guidance TG16). However, I am aware this application is similar in size and scale to what has already been permitted for the site. Therefore in this situation and in line with Newport's Supplementary Planning Guidance for air quality it is reasonable to compare the current permission to what is proposed. Under this approach there is little reason to refuse the application on air quality grounds.
- 5.7.2 To support the transition to low / zero emission vehicles, I recommend the permission is conditioned requiring at least one electric vehicle charging point per residential unit is provided within the development.

Contaminated Land

- 5.7.3 The historic land use of the site may have introduced contamination to the underlying soils. A significant amount of investigation and remediation works has already been undertaken at the site. However to ensure that this is adequately dealt with and documented through the planning process, I recommend the full contaminated land conditions are implemented.

No part of the development hereby permitted shall be occupied until:

A) Following the remediation strategy submitted with this application, a Completion/Verification Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.

B) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

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.*

- 5.8 EDUCATION (BUSINESS DEVELOPMENT OFFICER): We request that the full S106 calculation sum be sought for primary and secondary education provision in respect of this development. Both the neighbouring Glan Usk and 'in-cluster' St. Julians Primary Schools are forecast to be at capacity by January 2022.

We ask that no school be named in any wording of the S106 agreement to allow the Education Service some flexibility in deciding how best to apply any funds received. The reason for this is that Glan Usk Primary School was provided under a PFI initiative and any additional works undertaken at that site are likely to be legally complicated and costly to the Authority. As such we will require the freedom to consider alternative options.

- 5.9 HEAD OF STREETSCENE & CITY SERVICES (ECOLOGY): I welcome the submission of the otter mitigation. I do not object to the application as all potential ecological impacts appeared to have been addressed in previous applications.

Could I seek clarification however as to the bund that is running along the top of the river bank. What materials are being used to build this? Also, what species are proposed to be planted on this?

The CEMP will need to be conditioned.

- 5.10 HEAD OF STREETSCENE & CITY SERVICES (WASTE MANAGER): Looking at the plans for the bin stores for the flats, those on the Riverside look inadequate in size. The other blocks with 6 residents seem fine, but the larger blocks don't. Bin vehicles will not access any private roads and all refuse collection arrangements should be immediately accessible from the adopted highway.

5.11 HEAD OF STREETSCENE & CITY SERVICES (RIGHTS OF WAY):

5.11.1 In the Design and Access Statement it states;

“There are no public rights of way within the site; however a designated footpath is located alongside the western boundary of the site. A diversion order to move the PRW slightly westwards to allow for a wider vehicular access route into the site was confirmed in December 2017.”

5.11.2 As described, the public footpath (407/1) was diverted in December 2017. Contrary to the above, the footpath was moved Eastwards rather than Westwards and this was to allow the construction of an embankment/bund which now lies on the original line of the footpath.

5.11.3 The correct lines of the original and diverted footpaths are shown in the Site Layout plan. This diverted footpath appears to fall within the site boundary and so the following points should be noted;

- All PROWs (as shown on the Definitive Map) are legally required to remain completely unobstructed and be clear and available for safe public use at all times including during construction works – unless a temporary closure/diversion order is applied for and granted beforehand;
- The PROW users must not be endangered or disadvantaged in any way by the proposals (during construction and following completion);
- The fabric of the PROW’s must not be adversely affected in any way;
- PROW users must be protected from any vehicle/plant associated with the works. All potential conflicts should be risk assessed and managed accordingly.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties within 100m of the application site were consulted (107 properties), 3No. site notices were displayed and a press notice published in the South Wales Argus. One comment was received making the following points:

We are extremely concerned that the only entrance and exit to the site, now and in future, will be onto Courtney Street, affecting directly our property (16 Courtney Street). Not only will it affect noise levels but also congestion by our street and the already busy access points into the area by Turner Street and (the traffic light controlled access) on East Usk Road.

Initially, we were told that the site entrance and exit would operate as a one way system being that the entrance would be either Courtney Street or Herbert Road and the exit vice versa. Making the flow of traffic a lot more bearable for the area.

We believe that the area could not withstand the traffic which will increase dramatically as a result of the new residential buildings.

7. ASSESSMENT

7.1.1 The key issues that arise under this determination are:

- Design & Layout of the proposed buildings
- Parking provision
- Suitability of the road layout
- Amenity of occupiers
 - Internal space standards
 - Private garden areas balconies
 - Public open space
- Affordable housing provision and other S106 contributions
- Air Quality (Caerleon Road)
- Appropriate Assessment (River Usk SAC)
- Flooding

- River Usk Special Landscape Area (SLA)

Minor Issues are:

- Surface water drainage arrangements
- Ground Contamination
- Boundary Treatments
- Ecological mitigation

7.1.2 It should be remembered that the site has an approval for the construction of 251No. dwellings and that this permission has been implemented in part. This represents a strong fallback position for the applicant who could implement the approved scheme subject to compliance with the conditional regime and the associated S106 legal agreement.

7.2 Design & Layout of the Proposed Buildings

7.2.1 The application site includes a large area of land immediately south of Glan Usk School with a narrower tail stretching along the river front linking the main part of the site to Courtney Street. The proposed access road runs along the river front (the tail) before turning into the larger part of the site. Thereafter three 'loop roads' are provided which will provide access to the proposed housing units. In effect a series of 3 storey flatted blocks are proposed along the riverfront and the northern edge of the site with a mixture of smaller flatted blocks and houses proposed for the parts of the site set back from the riverfront and the northern edge. The loops roads provide a basis for a series of 'perimeter blocks' that face onto the roads. Parking courts are provided for the flats with parking for the houses either being on Plot or set in front of the relevant dwellings. The perimeter blocks provide prominent corners which are effectively turned by bespoke units. The larger northern section of the site is bisected by Lottery's Reen which will be enlarged to provide a surface water attenuation area.

7.2.2 Proposed house designs are traditional in proportion with vertically emphasised windows, bays & gables, simple design embellishments such as canopies and the use of render panels and the use of a simple pallet of materials in limited colours. The proposed flats follow a similar motif using similar materials and design embellishments. Flats will have access to private balconies. The scale, design and appearance of the buildings as proposed is considered acceptable and compliant with Policy GP6 (Quality of Design).

7.3 Parking Provision & Security of Parking Courts

7.3.1 Parking does not meet the adopted 'Parking' SPG standard which requires 1 parking space per bedroom up to a maximum of three spaces per dwelling and 1 visitor space per 5 dwellings. No unit has a deficiency of more than one space and all units have at least one space. The deficiencies lie with certain of the three bedroom units and some of the two bedroom flats which are 1 space short of the required parking standard. The total requirement on the site would be:

	No. of Units	Required spaces	Provided spaces	Deficiency	Provision as Percentage of Requirement	Requirement with sustainability reduction applied
18/0293	195	416	339	77	81	249
13/1279	248	583	348	235	60	348
	Visitors					
18/0293	195	39	15	24	38	39
13/1279	248	50	0	50	0	50

7.3.2 Under application 13/1279 the applicant provided a sustainability assessment (Transport Assessment 2013) for the site. The sustainability credentials of the site have not materially altered since 2013 with local facilities remaining unaltered and the proposed accesses

remaining available to future residents. At that time it was concluded that the site was sufficiently sustainable to justify a reduction of 1 parking space per unit whilst retaining a minimum provision of 1 space per unit in the case of the single bedroom units. On that basis under this submission and bearing in mind the fallback position the level of parking provided is acceptable in terms of amount. The table above shows that the level of provision in this submission is an improvement over that granted under permission 13/1279. This scheme offers some betterment in terms of overall parking levels when compared to the approved scheme.

7.3.3 The parking is to be provided in courts, on plot and to the front of certain dwellings within the scheme. The courts are at some distance from certain of the dwellings, but none are sufficiently far away to be considered unacceptable in amenity terms. The maximum walking distance would be 50m from a dwelling to its parking space and this would only impact on a small number of units with the overwhelming majority being immediately adjacent or a short walk away. In term of visitor parking the previous scheme provided no allocated spaces but did give opportunities for parking in the highway. This scheme will provide visitor bays some of which are on-street and some of which are in the parking courts. There will also be opportunities to park in the highway on this scheme. Visitor parking is considered adequate and an improvement over permission 13/1279 since the demand is reduced under this scheme and there is limited identified provision as well as informal parking opportunities within the scheme.

7.3.4 Heddlu Gwent Police note the provision of parking courts and raise some concerns as these can be isolated areas that provide opportunities for crime and anti-social behaviour. In this case rear parking courts are limited in extent but where they are present the layout of the flats set above the underpasses allows for overlooking. The submitted drawings show the courts as finished in tarmac. There is no information on boundary treatments within the courts and no planting appears to be proposed. As such there is a risk that these courts will appear as austere and unattractive spaces and as such it is appropriate to apply a condition seeking details of landscaping and boundaries proposed for these areas. It will also be necessary to ensure these areas are suitably lit via condition. It will be necessary to condition that parking is provided prior to occupation and retained thereafter. The proposed parking is acceptable and Policy T4 (Parking) of the adopted Newport Local Development Plan 2011-2026 (NLDP) is complied with.

7.4 Suitability of the road and footway layouts

7.4.1 The proposed road layout consists of a riverfront access road from Courtney Street into the site and then a series of loop roads around the site. The applicant has track tested the layout for a bin wagon and has shown that this vehicle can navigate the road layout and is able to turn in the turning heads that have been provided. There is some risk of conflict on some of the bends where the tracking plan shows the wagon as crossing the centre line. However the radii as shown are typical of modern estate layouts and the risk of vehicle conflict is limited and acceptable. The applicant has demonstrated suitable visibility splays within the highways for the relevant junctions.

7.4.2 In terms of construction materials for the roads the materials identified are: tarmacadam, block paving, granite setts to act as rumble strips adjacent to raised beds and concrete slabs in hard surfaced areas adjacent to dwellings (paths and patios). The proposed materials are considered acceptable.

7.4.3 Received highway comments note the narrowness of some of the underpasses serving the limited number of parking courts. These are 4.0m wide which is narrower than the 4.5m minimum highways would expect to allow two way passage. The risk is that vehicles will need to reverse out of the underpass entrance onto the highway. Underpasses of this kind have been accepted on other sites including the former Pirelli Site (Loftus Gardens) where similarly small parking courts were served by accesses that were slightly narrower at 3.8m wide. Given the largest court served by an underpass is for 6 vehicles it is concluded that the risk of conflict is acceptably low and given the lack of evidence from other sites that the underpasses are unacceptably problematic it is concluded that the underpasses are marginally acceptable.

- 7.4.4 The Head of Streetscene also queried some of the footpath widths on the site since these fall below the 2.0m wide preference. Since commenting the site has been re-planned and now the footways meet the 2.0m minimum. Tactile paving is shown as being in place at likely crossing points.
- 7.4.5 The Head of Streetscene has criticised the visibility splays available at some of the junctions as being too short. However within the suburban context visibility of minimally 25m at some junctions but realistically further in most cases is seen as sufficient to allow safe egress from side roads. The Department for Transport gives a typical stopping distance for a vehicle at 30mph to be 23m. Although vehicles may exceed 30mph in such suburban roads this would be atypical and the proposed visibilities are seen as acceptable within the context of the proposed development.
- 7.4.6 Further concerns were raised in relation to the geometry of some of the corners proposed in the road network. Tracking drawings show that a bin wagon would need to cross the centre line to negotiate some of the bends within the estate roads and this would cause conflict with on-coming vehicles. However the bends are not blind and sufficient visibility is available for vehicles to be aware of each other before entering the bend which gives vehicles an opportunity to stop to allow on-coming vehicles to pass. Additionally the estate is essentially a large cul de sac and the overwhelming bulk of traffic will be from local residents who will be aware of the bin collection schedule and will make allowances for the vehicle when it is on its rounds. There is residual risk from other larger vehicles visiting the site but this is not seen as significant. The geometry of the bends is not ideal and as such Policy GP4iv (suitable and safe access arrangements) is not fully complied with. This counts against the proposal but the concerns are mitigated as described above and officers judge that little weight attaches to this objection.
- 7.4.7 Further concerns are raised in relation to the accessibility of 9no. of the parking spaces provided in parking courts. These courts are undeniably 'tight' and it is likely that vehicles will need to perform several manoeuvres in order to leave in a forward gear. However the space provided at the rear of the relevant parking spaces is 6m which is the minimum to allow manoeuvring. It is likely that turns will take several manoeuvres to complete but the courts do not appear to be so tight as to be unacceptable, turns may be complex and time consuming but they are not impossible.
- 7.4.8 The Head of Streetscene notes that pedestrian accesses shown as gated in the submitted plans that link the site to the local footway network should be open and available. This can be secured under condition and is necessary to ensure the site remains fully accessible to pedestrians. It would not be desirable to restrict permeability of the site. There are no obvious reasons such as security concerns that would justify these links being closed off.
- 7.4.5 In terms of providing suitable access and appropriate levels of highway safety the proposed layout is considered to be marginally acceptable and compliant with Policy T3 (Road Hierarchy) and GP4 (Highways & Accessibility) other than in relation to the tracking of larger vehicles where crossing the centre line will be necessary on some bends. However as noted this is considered to be a slight harm that is mitigated by the extent of forward visibility at the bends.

7.5 Amenity of occupiers

7.5.1 The required internal space standards for new flats are set out in the 'New Dwellings' SPG this being 50 square metres of gross internal floor space for a new 1 bedroomed flat and 65 square metres for a new two bedroomed flat. These differ from the Welsh Government's DQR standards where the required floor spaces for a shared access flat is 46 square metres and 59 square metres respectively. Most of the flats on this site will be shared access i.e. having a common stairwell.

7.5.2 On this site the following flats are proposed:

Type	No.	Internal Floor Area m ²	Balcony m ²	Total usable floor area m ²	DQR requirement	SPG requirement

G 3P2B (FOG)	2	67	0	67	59 (met)	65 (met)
H 3P2B (FOG)	5	71	0	71	59 (met)	65 (met)
I 2P1B (FOG)	2	45	0	45	46 (failed)	50 (failed)
J 2P1B (FOG)	2	38	0	38	46 (failed)	50 (failed)
K 2P1B Shared access	24	45	5.04	47	46 (met)	50 (failed)
L1 3P2B Shared access	54	54	5.04	59.04	59 (met)	65 (failed)
	89					

*FOG units are not DQR compliant regardless of floor area.

7.5.3 The above table shows that 4 of the 89 flatted units proposed fail to meet the required Welsh National (DQR) standard for usable floor area. However all of the other flats do meet the standard. It should be noted the standard is not mandatory but the Council will not pay housing grant on any units that do not meet DQR i.e. affordable units must in effect meet DQR but market units do not have to. In terms of the Council's adopted 'New Dwellings' SPG most of the units fail to meet the standard and are therefore not Policy compliant. This policy failure weighs against the proposal. The FOG units that fail to meet the DQR floor areas are few in number (4) and in terms of the overall scheme for 195 dwellings this is not seen as unacceptable although it is of concern that the J type unit fails by a significant margin. The key concerns relate to the K and L1 units since there are 98 of these in total. However an analysis of the permitted scheme which also contained flatted elements showed that the majority of the approved flats also failed to meet the SPG floor area requirements and by a similar margin to the flatted units proposed in this scheme. Since that scheme has been implemented and constitutes a fallback position to which significant weight can be given then the failure to meet the specified SPG floor areas attracts little weight in the balancing process.

7.5.2 Although an overwhelming majority of the flats are deficient in terms of internal floor space most of the flats (excluding those set above garages) are equipped with a private balcony. The balconies provide private outdoor amenity space for future occupiers and meet the standards set out in the adopted 'New Dwellings' SPG. Of the 89 flats proposed 11 will not have balconies but this is not seen as sufficiently harmful as to warrant refusal. Flats are also required to provide areas of communal space for residents dependent on their occupancy levels. In this case the flatted blocks will have areas of enclosed communal space of varying scale associated with them. These areas contain open space and bike and bin stores. It is not clear that the SPG standard is met but the site is adjacent to the Riverfront walk which is accommodated and enhanced within the site and is a short walk from the Glebelands (north of the Motorway) which provides a large area of open space for public use. Overall it is concluded that the site will provide or will have access to suitable public open space in terms of its amount and quality. Policy SP12 (Community Facilities) is complied with since the riverfront walk is accommodated and enhanced within the development. Policy GP2v (amenity for future occupiers) is met since suitable amounts and types of open space are present within the site or can be found nearby.

7.5.3 The proposed dwellings all have private gardens to the rear. These vary in depth between 10m and 8m and are judged to offer sufficient outdoor amenity space for future occupiers. Window to window distances across rear gardens are 20-21m which is sufficient to protect privacy. Where corners are turned the gardens face onto blank elevations and are not overlooked. Those blank elevations are sufficiently set back so as not to be overbearing on the adjacent garden areas. The private amenity space provided for the dwellings is satisfactory and compliant with Policy GP2 of the adopted Newport Local Development Plan 2001-2026 (NLDP).

7.5.4 The provision of the type and amount of public open space available to future residents is considered acceptable.

7.6 Affordable housing provision and other S106 contributions

7.6.1 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. In this case, section 106 planning obligations are required to mitigate the impact of the development in accordance with the table below.

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?
<i>Regeneration, Investment and Housing</i>	<i>to provide on site affordable housing</i>	<i>20% affordable housing units with Policy H4 of the adopted NLDP</i> <i>Based 195 units within this site and the 20 market units build under permission 13/1279 immediately south of the site</i>	<i>As sought (43 units)</i>	<i>No</i>
<i>Education</i>	<i>To meet the additional educational demands created by the development</i>	<i>£354,530 for Glan Usk or St. Julian's Primary School</i> <i>£260,224 for St. Julian's High School</i>	<i>As sought</i>	
<i>Leisure</i>	<i>To meet the additional demands for leisure facilities in the area created by the development</i>	<i>£122,000 to upgrade and maintain the equipped play areas at the Glebelands Recreation Ground or at the Turner Street Playground</i>	<i>As sought</i>	
<i>Highways</i>	<i>To revalidate the signalised junction in Clarence Place & provide a Pelican Crossing on Caerleon Road and other off-site footway upgrades</i>	<i>To be provided under the S106 agreement signed under permission 13/1279</i>	<i>As sought</i>	

7.6.2 The applicant has agreed to the above terms which meet the Council's requirements under S106 of the Town & County Planning Act 1990 (as amended).

7.6.3 In terms of affordable housing the LDP Inspector concluded at Paragraph 5.12 of his report

I conclude that the affordable housing policy provisions of the Plan, (as amended by the MACs), are supported by robust and credible evidence, are consistent with national policy objectives concerning affordable housing provision and are sufficiently flexible to recognise the circumstances of individual sites.

As such the Policy requirements of the adopted NLDP in terms of affordable housing are entirely robust and justified and the applicant has provided no information to suggest the affordable housing requirements should not be met in this case. In any event the applicant has agreed to provide the amount of affordable housing that is sought under the Policy.

7.6.4 The educational requirements are justified under NLDP Policy SP13 and are based on formulas that calculate the likely pupil generation from the development. Consideration is then given to the actual availability of places within the local catchment schools. In this case local capacity will be exceeded and the need for contributions is triggered.

7.6.5 In this case Leisure contributions are triggered due to the lack of 'equipped play space' within the locality whilst considering the likely population of the development and the demand it will exert for leisure facilities. There is no on-site provision for equipped play on

this site but equipped facilities are located nearby at Turner Street and the Glebelands and contributions from this site can be used to maintain and enhance these facilities.

7.7 Air Quality (Caerleon Road)

- 7.7.1 One Air Quality Management Area (AQMA) exists on Caerleon Road. It extends from Clarence Place along Caerleon Road as far as Morden Road. There is another AQMA at the northern end of Denbigh Road adjacent to the west bound slip road of Junction 25 (M4 / Caerleon Road) which is capable of being affected by this proposal.
- 7.7.2 The adopted 'Air Quality' SPG (February 2018) follows from Policy GP7 (Public Health) of the adopted NLDP. The SPG identifies buffers around some of the designated AQMAs. The applications site falls into the buffer for the Caerleon Road AQMA. The Air Quality SPG requires the preparation of a simple Air Quality Assessment in this scenario where it is anticipated that there will be a significant increase in road traffic caused by the development.
- 7.7.3 The applicant has provided a Chapter on Air Quality (Chapter 14 of the Environmental Statement) which considers dust from construction, emissions from on-site machinery during construction and then the operational impacts of the scheme. Impacts on Caerleon Road were considered to be critical since the site itself is outside the designated AQMA.
- 7.7.4 In terms of dust the assessment concluded that the site was high risk in terms of dust soiling and human health (from dust) with lower risks to ecological issues from dust. The report concludes that without mitigation dust impacts could be substantially adverse for receptors within 10m of the site boundary but reducing with distance. However mitigation would reduce impacts and can be achieved via conditional controls within a Construction Management Plan. Emissions from onsite construction equipment and from delivery vehicles were considered to be negligible and would be limited in impact to the time construction was being undertaken.
- 7.7.5 In terms of the long term operational effect of the proposal the assessment concludes that should air quality improve by 2023 in line with Government expectation then the scheme will slightly increase Nitrogen Dioxide concentrations in the AQMA but not beyond relevant objectives. The report concludes impacts on nitrogen dioxide levels will be negligible. In terms of particulates the scheme is also modelled as not elevating pollution levels within the AQMA beyond the relevant targets.
- 7.7.6 In the interests of robustness the report also considers nitrogen levels if there is no improvement in overall air quality. It concludes that some receptors (5 of 18) will see a slight worsening if the development proceeds and one will see a moderate worsening. However only one of the receptors would fall below the annual mean objective sought and none would fall below the 1-hour mean objective. As such the worsening caused is seen as very slight and of limited weight. The report also notes the potential benefits in air quality that could accrue from the application of a Travel Plan condition which would seek to reduce reliance on the private motor car.
- 7.7.7 The Scientific Officer does not object to the development but notes that there are shortcomings in the submitted air quality report. He ultimately concludes that the existence of the fallback position for a larger scheme of 251 dwellings as opposed to 215 for this scheme in combination with the elements of the previous permission that have been built means that this proposal will not have a greater impact than what might be achieved under the extant permission. Planning Officers agree with this approach. The fallback position represents a larger scheme that would at least have an equal impact on local air quality as the proposed scheme and given the larger housing numbers under that scheme there is every chance the impact of the extant permission would have been even greater than the impact of the scheme currently sought. Overall it is accepted that the proposal will not have a greater impact on air quality than the extant scheme.
- 7.7.8 The air quality report demonstrates a slight harm to air quality in the AQMA but this appears to be marginal. However any exceedance within an area of poor air quality would be a matter of concern and a progressive worsening by small amounts would clearly be

unwelcome. However the existence of a fallback position that would be worse than the current proposal is highly material and pushes this issue in favour of being granted notwithstanding concerns over even a marginal worsening of air quality with the Caerleon Road AQMA which is expected under the worst case scenario. This would be if there is no overall improvement in air quality in line with the expectations of national government.

7.8 Appropriate Assessment

7.8.1 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.

7.8.2 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.

7.8.3 In previous consultation responses on this site CNC/NRW identified the following as key areas of concern:

Otter Features:

7.8.4 Particular threats to the otter features of the River Usk posed by the development were identified as being:

- The design and location of the development
- Site clearance and Construction
- Site Operation, and
- The effectiveness of mitigation proposals

7.8.5 The proposed scheme is a residential development of flats and houses. The dwellings will be set back from the river front. The proposal envisages an access road along the river frontage, a two metre wide footway with a landscaped area between the footway and the top of the river bank including the creation of low bunds to deter access. These arrangements have been completed under permission 13/1279 and are currently in place. The bund has been completed and is landscaped and has been fenced off from a 2m wide pedestrian footway which has been constructed. The original line of Public right of Way 407/1 has been formally diverted onto this new path and away from its former location along the top of the river bank.

7.8.6 It is considered that the design of the proposal would not have an unacceptable impact on the otter feature of the River Usk since the proposed river front treatment has been implemented and provides a distinct buffer between the application site and the river which will act to minimise the possible impacts of the proposal on the otter interest along the river bank. It appears that the riverfront access road and the riverfront footpath and bunding is being provided under permission 13/1279 and is subject to the controls applied to that permission. However the riverfront roadway is not completed and lies with the current application area and so it will be appropriate to apply conditions in relation to lighting to ensure there is no light spill to the sensitive river bank.

7.8.7 The site has been de-contaminated and raised for reasons of flood prevention. As such significant engineering works were required at the outset of the project. These works have

been predominately completed with the site having been raised. Gabion retaining walls are in place around parts of the site and the site has been filled. However it is not clear if the final levels have been secured and whether further importation of material is required. The Flooding section of the Environmental Statement confirms the site will be dry in the 1 in 200 year flood allowing for climate change over the 100 year lifetime of the development if the site is raised to 10.4m AOD north of Lottery's ree and to 9.95m AOD south of Lottery's Reen.

- 7.8.8 The risks posed to the river would arise from:
- the mobilisation of sediment which could wash into the river,
 - run-off of / or the percolation of contaminated waters (derived from the ground contamination on the site) into the river,
 - the facilitation of the movement of contaminated waters vertically through the soil profile,
- 7.8.9 Proposed conditions seek the submission of a Construction Environmental Management Plan (CEMP) which will require details of the working methods to be employed on the site. Specific clauses refer to control of run-off which should ensure that waters which are polluted by either contamination or sediment do not enter the river. Another requirement of the CEMP relates to specific measure to be taken in the sensitive river front area to limit or prevent direct disturbance to the sensitive river bank environment.
- 7.8.10 Further conditions relate to the storage of fuels and hydrocarbons so that they are stored in such a manner that reduces the risk of contamination to ground and surface waters. Conditions put in place controls over any piling methodology reducing the risk of the mobilisation of contaminated waters through the soil profile.
- 7.8.11 De-contamination of the site has been partially undertaken. The proposed scheme is one of capping the contaminated ground using imported materials. The verification of the decontamination programme can be required under conditional controls. The chemical suitability of the imported materials was controlled under conditions attached to permission 13/1279. The efficacy of the decontamination programme can be secured under a suitable verification / contingency condition which can be applied to any permission granted.
- 7.8.12 Overall it is considered that the proposed conditional controls acceptably control the risk posed by the otter interest of the River Usk during the construction phase of the development.

Risks from site operation to the otter interest arise from:

- direct disturbance by people and dogs
- disturbance by lighting
- hydrocarbon contamination from motor vehicles

- 7.8.13 Proposed conditions will place controls over permanent street lighting which will ensure that the sensitive river bank environment remains unlit and that the chances of disturbance to otters is reduced. Proposed Conditions will require that surface water drainage from areas where hydro-carbons may be spilled from motor vehicles is cleansed of hydrocarbons. This will reduce the risks of contaminated run-off reaching the river.
- 7.8.14 In terms of otter mitigation the developer has installed a mitigation area north of the application site where an area has been enclosed by dog proof fencing and an artificial holt has been installed under the direction of a trained ecologist in May 2017. This was to mitigate for the loss of habitat within the main site area for the scheme approved under permission 13/1279. That application site incorporated this application site and so appropriate mitigation has been provided under the previously approved scheme and no further mitigation is required for this scheme.

Fish Features

- 7.8.15 Risk to fish features of the River Usk would arise primarily from:

- contaminated run-off from the site entering the river (sediment load and chemical content)
- direct effects upon the river from construction and operation of the site; noise, vibration & lighting.

7.8.16 Particular Risks will accrue at the following stages:

- The design and location of the development
- Site clearance and Construction
- Site Operation, and
- The effectiveness of mitigation proposals

It is not considered that the design and location of the development will have an adverse effect upon fish features of the river.

7.8.17 Site clearance and operation has the potential to release contaminants or sediment but the proposed CEMP condition in association with the proposed decontamination verification / contingency condition would control these risks.

7.8.18 Specific proposed conditions would protect the fish interest by preventing works that would interrupt the migration of shad. Works to widen Lottery's Reen and connect to the existing flap vale in the river bank have been carried out under permission 13/1279. This scheme will not have any further direct impacts on the river bank since it will utilise the works already implemented under permission 13/1279.

7.8.19 Site operation could adversely affect water quality. Proposed conditions requires run-off from areas where 'oil-drop' may be present to be cleansed of hydrocarbons. Other conditions require general control over foul and surface water drainage.

7.8.20 These conditions are considered adequate to prevent adverse impacts on the conservation interests of the river during the operational phase of the development.

Contamination

7.8.21 The site is known to have been contaminated by previous uses. The applicant has provided a mitigation strategy for contamination under application 13/1279. Conditions required the agreed programme of decontamination to be implemented and subsequently verified and monitored. The overall strategy was one of capping with clean material which would also act to raise the site for the purposes of flood prevention. Permission 13/1279 allowed for the importation of approximately 9500 cubic metres of material to raise the site with another 5500 cubic metres required for surcharging the site. Conditions required this material to be chemically tested and suitable for the proposed residential end use. This requirement also protected the integrity of the River Usk and its conservation objectives. The Environmental Statement confirms at Chapter 9 (Ground Conditions) that remediation will not be completed until all phases of the development are finished and that works to raise the land to finished levels is partially complete (Paragraph 9.4.3). The current Environmental statement also confirms that remediation will be complete with the importation of 600mm of clean capping material. As such the remediation remains incomplete and conditions requiring compliance with the mitigation strategy and appropriate decontamination verification and contingency will be necessary to prevent unacceptable risk to ecological interests in the River Usk SAC.

Water quality / Hydrology and Drainage

7.8.22 Risks to water quality would arise from:

- Run-off contaminated with sediment or chemicals leached from polluted ground entering the river,
- Mobilisation of contaminated waters vertically through the soil profile,
- Groundwater movement of contaminated waters through the soil to the river.

7.8.23 Particular Risks will accrue at the following stages:

- The design and location of the development
- Site clearance and Construction

- Site Operation, and
- The effectiveness of mitigation proposals

7.8.24 The design and location of the proposal is not considered to pose any inherent risk to water quality over and above that posed by the existing unmitigated site. The provision of hard surfaces and the adequate treatment of run-off from these surfaces will reduce infiltration and potential risks to ground waters.

7.8.25 The proposed CEMP condition will protect the river during the construction phase reducing risks to the conservation interests of the River Usk. During the operational phase proposed conditions will deal with run-off requiring the removal of hydro-carbons as required and requiring a generalised control over foul and surface water run-off. The proposed conditions are considered adequate to prevent risk to the conservation interests of the river during the varying phases of the development.

Overall consideration

7.8.26 The concerns regarding the potential for impact on the River Usk SAC are impacts on the otter feature including via the design and location of development, site clearance and construction, disturbance during the operation phase and mitigation; impacts on fish features; contamination risks; impacts on water quality, hydrology and drainage.

7.8.27 Risks arise from the possible discharge of contaminated surface and groundwater water drainage with the potential resultant impacts on the fish and otter features of the SAC. There is the potential for significant effect on the migratory fish and otter features of the River Usk SAC. The specific concerns relate to: how surface water would be disposed of during construction and operation; how potential contamination of groundwater on the site will be addressed; and what measures will be in place to prevent potentially contaminated run-off entering the River Usk during both construction as a result of disturbance of ground contamination and operational phases of the development. It is therefore recommended that should planning permission be granted conditions are imposed to provide suitable protection.

7.8.28 The current and previous uses of the site raise the question of contamination. It is therefore recommended that conditions be imposed to ensure that the previously approved mitigation strategy is fully implemented and that the finished programme is verified as acceptably complete and subject to revision as required. This is to include the installation of gas membranes in the buildings.

7.8.29 In terms of foul drainage, Conditions require full details of provision so as to ensure there is sufficient capacity in the system thereby avoiding contamination of waters entering the River Usk SAC.

7.8.30 It is considered that with the imposition of suitable conditions to ensure that contamination of the River Usk SAC and SSSI is avoided and that remediation measures are implemented, there would be little likelihood of contaminated material entering the water system, and the proposal would not have a significant adverse effect on the River Usk SAC.

7.8.31 Other risks to the river front, particularly the otter feature are addressed via the proposed layout of the site, the proposed riverfront treatment and the provision of an otter mitigation area. The riverfront treatment and otter mitigation are already in place having been completed as part of works to implement elements of planning permission 13/1279.

7.8.32 In terms of in combination effects of the development other developments have taken place along the Usk river frontage in the vicinity of the site. The site to the north (the Glan Usk School Site) was granted permission under outline application 00/0768/O and then Reserved Matters application 03/153/RM. The outline permission contained a suite of contamination related conditions which were subsequently discharged for the school site under succeeding approvals. Approval 09/0591 vetted the certification for the remediation of the school site. As such the adjoining development site to the north has been decontaminated and the in-combination effects upon the SAC from the two adjacent sites

would not be greater than the effects emanating from the application site alone. These effects are judged manageable under an appropriate conditional regime.

7.8.33 Redevelopment sites to the south of the application site, south of the Town Bridge (Newport Bridge) have been subject to appropriate assessment and the issues that have arisen on these sites reflect those on this site. Those sites were also subject to a suite of planning conditions to control risks to the bio-diversity interests of the River Usk. These sites are mostly completed and given conditional compliance the in-combination effects of those sites with this site would be negligible.

7.8.34 With the inclusion of appropriate conditions it is considered that any adverse effects on the River Usk SAC associated with the development can be satisfactorily avoided.

7.9 Surface water drainage arrangements

7.9.1 Under permission 13/1279 surface water in the main part of the site was to drain to the enlarged Lottery's Reen which would provide sufficient storage capacity to store run-off from the site and to accommodate in-flows from higher upstream during high tide conditions. When the tide dropped the enlarged reen would then drain to the river. This arrangement was considered acceptable at that time and remains acceptable in the context of this development. The enlarged reen is currently in place having been completed as part of Phase 1 of permission 13/1279. The submitted drawings show the surface water drains in the northern part of the site draining to the enlarged reen. However it is not clear how Plots 1-36 (flats along the riverfront) access will be drained in terms of surface water flows so a condition securing these details will be required. Other conditions can require the provision of drainage as shown. Surface water drainage arrangements are acceptable subject to controls over delivery and the need to prevent hydrocarbon pollution of surface waters including the River Usk SAC.

7.10 Ground Contamination

7.10.1 Permission 13/1279 was constrained by conditions relating to the remediation of ground contamination. The principal aim of these was secure a programme of decontamination, verification of the completion of that programme, controls over the chemical characteristics of imported materials and a condition relating to contingency in the event unexpected contamination was encountered. Additionally conditions to protect human health and the aquatic environment (River Usk) had been attached to earlier permissions on the site. The then landowner made several conditional discharge applications in relation to those earlier permissions and in relation to 13/1279 to enable the site to be filled. Subsequent to the approval of these submissions material has been brought onto the site which has seen site levels raised as required to prevent flooding and containing soils on the site that had been contaminated by earlier uses.

7.10.2 The full decontamination programme required a final capping with 600mm of clean material in gardens and the installation of gas membranes within foundations. As such over the vast bulk of the site the decontamination process has not been completed but a clear methodology is in place to achieve an effective decontamination of the site. The Scientific Officer recommends conditions that require the implementation of the submitted remediation strategy, its verification and a contingency for any unforeseen contamination. The decontamination strategy is contained in the document '*Remediation Strategy: Proposed Residential Development Herbert Road, Newport*' (February 2014) which was approved under discharge of conditions application 17/0082. As such a directive condition requiring the completion of the decontamination as approved and its subsequent verification as successfully completed will be required to protect human health and the wider environment. An unforeseen contamination condition will also be required.

Boundary Treatments

7.11.1 The applicant has provided a site layout plan which shows a variety of boundary treatments. These include 1.8m close board fences to the rear of houses, rail fences in more public areas and some 1.8m brick walls in prominent locations. In general terms the proposed boundaries are appropriate but further details of the brick walls will be required since materials are not specified and in some areas it is not clear what the boundary will be; along the railway line for example. As such some additional details of boundaries will be required under condition.

7.11.2 1.8m high close board fences are shown at the rear of Plots 144-149 & 161-166 which are the flatted blocks adjacent to Glan Usk Primary School. This fence would be highly prominent to users of the footpath from Charnwood Road (via the underpass) to the school and the wider riverfront. This path is well used and as such this proposed boundary is not suitable in terms of visual amenity. An alternative boundary will be sought under condition.

7.12 Noise

7.12.1 Elements of the site are close to the Crawford Street Trading Estate which contains a variety of uses including general B2 uses but the units in this location have been built under permission 13/1279 and are subject to conditions relating to noise imposed on that permission. In terms of this application proposed units face onto industrial land accessed off Herbert Road including the old J. S. Payne unit and an area consisting of hardstanding that was previously occupied by a factory unit. Also the northern part of the site back onto the Newport to Caerleon railway line and noise and vibration from passing trains can be anticipated.

7.12.2 The applicant undertook noise and vibration surveys and identified that the key noise sources were from transport axes, the railway and the M4 motorway to the north with additional contributions from nearby industrial sites and children playing at the Glan Usk School. Vibration was measured adjacent to the railway and was found to be insignificant.

7.12.3 Construction noise was found likely to have minor to substantial significance on nearby houses and will need to be mitigated via a Construction Management Plan.

7.12.4 In terms of the amenity of future residents it was found that the facades facing the railway would need appropriate glazing and the installation of trickle vents. The report is not clear on the elements of the site that face into the industrial land around the former J.S. Payne unit or whether mechanical ventilation would be needed although it is assumed that it would in order to allow ventilation when the windows are shut. The model also assumes the installation of a 1.8m acoustic fence along the railway boundary. Paragraph 13.13.2 of the environmental Statement states that:

'During the detailed design phase of the project, a more in-depth assessment will be undertaken and used to identify the detailed zoning of window types and attendant acoustic performance specifications in one octave band detail to ensure appropriate control of the frequency content of sound incident upon the different façades of the Development'.

As such it is not clear in detail what glazing specification will be required in which facades but this can be dealt with under planning condition.

7.12.5 In terms of outdoor space noise levels below 55 LAeq,T and ideally less than 50 LAeq,T are sought. The modelling shows that most of the site will fall within the required limits but the area immediately adjacent to the railway will fall within a noise range of 55-60dB. The Environmental Statement offers no mitigation for these affected areas presumably because the noise reduction from a 1.8m acoustic fence is already factored into the assessment. However the railway noise is intermittent and a layout with residential garden abutting the railway boundary has already been approved (permission 13/1279). As such given the

fallback position and the intermittent character of the noise issue the impact of noise on the rear gardens of these proposed dwellings is not considered to be sufficiently harmful as to justify a refusal of permission even though accepted standards will not be met in relation to these plots.

- 7.12.6 In terms of noise from the former J.S. Payne site, adjacent areas of hardstanding and the more distant Crawford Street Industrial Area, the noise assessment notes cutting and grinding noise from the Payne building and forklift noise in the associated outdoor storage area. The assessment concedes that noise from the Payne site, if it should commence night-time operations would be capable of exceeding both internal and external desirable noise recommendations. The proposed mitigation is suitable glazing to protect internal noise levels and the installation of 1.8m high acoustic fence on top of a 2.5m high retaining wall which is required to retain the material that has been used to raise / cap the site. With this mitigation in place appropriate noise attenuation would be achieved to protect both internal and external noise levels. Again it should be noted that the approved scheme has already agreed the location of dwellings and rear gardens along this boundary.
- 7.12.7 In conclusion subject appropriate mitigation the amenity of future residents can be sufficiently assured. This mitigation can be achieved under condition. Construction noise is capable of harmful impact on existing residents but this can be controlled under a suitable Construction Management Plan. Policy GP7 (Environmental Protection & Public Health) is complied with.
- 7.13 Flooding
- 7.13.1 The submitted Flood Consequences Assessment (March 2018). The site currently lies within Zones B (known to have flooded in the past) and C1 (defended floodplain) of the Welsh Government's Development Advice Maps. The chief flood risk arises from tidal flooding in the Usk but the submitted FCA also considers the risks that arise from flooding of Lottery's Reen.
- 7.13.2 The modelling over the 100 year lifetime of the development and allowing for climate change shows that maximum flood depth in a 1 in 200 year tidal food would be 9.9m AOD in the northern part of the site and 9.8m AOD in the southern part of the site. The proposal is to set finished floor levels at 10.4m AOD in the north of the site and 9.95m AOD in the southern section. Cyfoeth Naturiol Cymru / Natural Resources Wales have no objection to this and suggest the levels are conditioned.
- 7.13.3 The FCA notes the site raising will slightly increase flood levels by 4cm in some locations to the north of the site, around the school. However the increase would not result in the school building flooding and as such the slight increase in flood levels is not seem as harmful and no significant offsite harms would result from the land raising process. Again it should be noted the site is required to be raised to 9.8m AOD under the extant permission so the filling of the site has been agreed in principle although to lower levels than are sought under this application.
- 7.13.4 The proposed land raising will leave the site flood free in for the 1 in 200 year tidal flood. In terms of the extreme 1 in 1000 year event flood the site is shown to flood beyond the tolerable levels outlined in Technical Advice Note A1.15 other than in terms of rate of inundation. However CNC/NRW comment that the applicant has used a more conservative flood model than the one they are currently using. Under the CNC/NRW model the site would be dry in the extreme event if the finished floor levels mentioned above are implemented. If the site is flood free in the extreme event then clearly the consequences of a flood event can be satisfactorily managed. However the applicant notes that even under the more conservative modelling they have used the maximum flood depth would be 20mm greater than allowed for in TAN15, with the rate of rise being 5cm per hour faster than

allowed for. Velocities in parts of the site would significantly exceed the recommended limits within the TAN but for most of the site the exceedances would be slight. The applicant does note that speed of inundation would be much slower than allowed in the TAN with maximum flood depth being attained on the 3rd tidal cycle. As such residents would have significant time to react to increasing flood depths over successive tide cycles which significantly diminishes the risk levels they are exposed to.

- 7.13.5 In terms of evacuation routes the FCA confirms the main route out via Turner Street will flood beyond 600mm on the 3rd tidal cycle in the extreme (1 in 1000) event at the current time. However an emergency route will remain dry out to the north via Bank Street and Glan Usk Primary School at the current time. The pedestrian route via the railway underpass and Charnwood Street will also remain available. Again maximum depths will be on the third tidal cycle giving residents an opportunity to leave before maximum depths are reached. However the modelling shows that allowing for climate change the evacuation routes would flood beyond tolerable levels (more than 600mm) and would not realistically be available. As such the evacuation routes would not be available under all conditions over the lifetime of the development and therefore the proposal is not compliant with the Ministerial advice of 2014. CNC/NRW is clear that it is for the Local Planning Authority to assess if the risks that accrue from offsite flooding are sufficient to refuse planning permission. In this case the risk to the evacuation routes will increase over time since they would currently be dry under CNC/NRW's own modelling but flooding would progressively worsen over the lifetime of the development. Other issues such as rate of rise, rate of inundation and velocities are not provided in relation to the evacuation routes but the key issue is that the criteria specified in TAN15 will be exceeded in relation to depth during an extreme event within the lifetime of the development and so the evacuation routes must be assumed to be unavailable. The model shows the depth of flooding worsening during the tide cycles with the evacuation routes being flooded on the third tide cycle. As a tidal flood the event will be predictable and residents will have warning of the event as waters rise over the preceding two tide cycles. In the event people choose not to leave current modelling shows the site will be dry in the extreme event allowing for climate change over the lifetime of the development. In such a situation the applicant confirms people will be contained on the site for one tide cycle whilst the tide drops and the evacuation routes become available. The period between high and low tide is 6 hours. As such people will be able to safely leave the site within hours of the peak of the tidal flooding.
- 7.13.6 In essence the key issue in relation to flooding is the unavailability of the evacuation routes in an extreme event allowing for climate change towards the end of the development's life (100 years). Given the site is predicted to be dry and the length of containment is for a maximum of 6 hours the harm to policy is considered slight and insufficient to warrant the refusal of permission. Additionally a scheme for a greater number of dwellings is extant on the site and can realistically be expected to be implemented in the event this application was refused. Indeed this permission has already been partially implemented. In the light of this the risk from flooding would be reduced should this application be approved since it is for a reduced scheme.
- 7.13.7 The FCA also assesses the risk of flooding from Lottery's Reen and concludes that risks are satisfactorily managed since the reen would be widened. The expanded reen would have sufficient capacity to intercept surface water from the development and up-stream flows during high tide conditions. As such the risk is satisfactorily managed.
- 7.13.8 As such when the risk of flooding are weighed against the benefits of the scheme and the fallback position is considered the scheme is acceptable in flooding terms despite the non-availability of the evacuation routes in an extreme event.

7.14 Ecological mitigation

7.14.1 Otter mitigation has already been provided as part of Phase 1 of implemented planning permission 13/1279 and no further mitigation is required under this submission. Further mitigation to compensate for the loss of potential bird nesting habitat and to provide bat roosting opportunities is listed at Paragraph 8.8.1 of the Environmental Statement. This can be conditioned to be provided.

7.14.2 Subject to the additional ecological mitigation being conditioned to be provided the proposal is compliant with Policy GP5 (Natural Environment).

7.15 Impact on the River Usk Special Landscape Area

7.15.1 The River Usk is a designated Special Landscape Area (SLA). This site is not within that SLA but is immediately adjacent to it. Policy SP8 requires that developments within SLAs are required to contribute positively to the area through high quality design, materials and management plans that show an appreciation of the area's special features.

7.15.2 The scheme positively addresses the river front with buildings facing onto the river. The scheme accommodates a riverfront path and landscaping which serve to enhance the riverfront corridor and separate the development and users of the riverfront footpath from the top of the river bank. This landscaped belt improves the visual amenity of this part of the riverfront whilst keeping people away from the ecologically sensitive riverbank. These are clear benefits of the development proposal. The riverfront building will be three storeys in height but are set back from the river bank and are considered to be of an acceptable design. In essence, in this urban location and given the current characteristics of the site, the proposal engages appropriately with the riverfront and overall it provides enhancement. As such Policies SP8 (SLAs) and CE2 (waterfront development) are considered to be complied with.

7.15 Planning Balance

7.15.1 The principle weaknesses of the scheme relate to issues in the geometry of the road layout which would necessitate large vehicles to cross the centre line as they negotiate certain bends within the site. However as noted this is mitigated by the forward visibility available which means that vehicles will see one another before they are committed to the bend. Other issues raised in relation to the road layout are considered acceptable notwithstanding any limitations that have been identified in the layout. The second significant failing relates to the floor areas of the flatted units which for the most part do not meet the requirements of the Council's adopted 'New Dwellings' SPG. However as noted permission 13/1279 allows significant numbers of flatted units that also fall below this required standard again mitigating the harm to Policy.

7.15.2 The air quality assessment raises some concerns since should the air quality improvements anticipated in general terms fail to accrue then the development would lead to a worsening of air quality within the Caerleon Road Air Quality Management Area. This worsening is interpreted as being 'negligible' by the applicant but officers are of the view that any worsening within a designated AQMA is capable of being significant particularly given that the applicant's own modelling shows some receptors being exposed to 'moderate' worsening in terms of Nitrogen Dioxide concentrations should no general improvement arise. However this concern is mitigated by the applicant's fallback position which would allow a development of 251no. dwellings to proceed. In this instance, this scheme in combination with the partial implementation of permission 13/1279 would see 215no. dwellings provided. In the round it is accepted that the approved scheme would have a greater impact on air quality than this proposal and the approved scheme would in all likelihood be implemented if this application was refused. Consequently this scheme is seen as preferable in air quality terms and concerns over air quality can be set aside.

- 7.15.3 The proposal confers significant regeneration benefits on a site that has in effect had planning permission for dwellings since the Year 2000 and has to date produced only 20 units. The site is allocated under Policy H1 (Housing Sites) with an anticipation it will produce 153 units in total. As such the site is expected to make a contribution to Newport's Housing supply within this plan period. That the site will make the required contribution and more is a very significant benefit of the scheme. Additionally the site is brownfield and currently makes a very limited contribution to the urban landscape. The scheme will deliver an enhanced riverfront and will incorporate the existing public right of way in an improved form. The improvements to the riverfront environment are another significant benefit of the scheme, including the ecological benefits of closing off the riverbank from causal disturbance as people pass by. The scheme will deliver clear benefits in the cityscape, recreation provision in terms of the riverfront path and modest benefits in ecological terms.
- 7.15.4 The scheme provides adequate parking in number and concerns over the operation of the parking courts can be addressed via condition to secure appropriate lighting, surfacing, boundary treatments and surfacing materials.
- 7.15.5 A series of concerns have been raised in terms of the highway geometry and the usability of some of the parking courts. Although it is acknowledged that the geometry is tight in certain parts of the site the key concern arises from the need for larger vehicles to track across the centre line on some of the bends within the estate roads. It is accepted that forward visibility on these bends reduces the risk of conflict but does not eliminate it. Elements of the road scheme are considered to not meet policy requirements but harm is judged to be slight due to mitigating factors.
- 7.15.6 Overall officers conclude that the benefits of the scheme outweigh the identified harms and recommend that permission is granted subject to conditions and a S106 agreement to secure the necessary mitigation for the impact of the scheme on community facilities.

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 notwithstanding the concerns of the 'Designing Out Crime Officer' (Heddlu Gwent Police) in relation to the proposed parking courts.

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.

8.4 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.

8.6 **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.

8.7 **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 Overall officers conclude that the benefits of the scheme outweigh the identified harms and recommend that permission is granted subject to conditions and a S106 agreement to secure the necessary mitigation for the impact of the scheme on community facilities.

10. **RECOMMENDATION**

GRANTED WITH CONDITIONS WITH DELEGATED AUTHORITY TO REFUSE THE APPLICATION IF THE SECTION 106 AGREEMENT IS NOT COMPLETED WITHIN 3 MONTHS OF ANY RESOLUTION TO GRANT PLANNING PERMISSION.

Plans

01 The development shall be carried out in accordance with the following plans & documents:

- Drawing A102732 P LA1 F – Landscape Layout
- Drawing A102732 P LA2 F – Planting Details (1 of 7)
- Drawing A102732 P LA3 F – Planting Details (2 of 7)
- Drawing A102732 P LA4 F – Planting Details (3 of 7)
- Drawing A102732 P LA5 F – Planting Details (4 of 7)
- Drawing A102732 P LA6 F – Planting Details (5 of 7)
- Drawing A102732 P LA7 F – Planting Details (6 of 7)
- Drawing A102732 P LA8 F – Planting Details (7 of 7)
- Drawing 1795 103 B – Engineering Layout
- Drawing 3073(04)100 N – Site Layout
- Drawing 3073(04)201 A – House Type A Ground Floor Plan
- Drawing 3073(04)202 – House Type A First Floor Plan
- Drawing 3073(04)211 – House Type B Ground Floor Plan
- Drawing 3073(04)212 – House Type B First Floor Plans
- Drawing 3073(04)221 – House Type C Floor Plan, Ground Floor Plan
- Drawing 3073(04)222 – House Type C First Floor Plan
- Drawing 3073(04)231 – House Type C&D Ground Floor Plan
- Drawing 3073(04)232 B – House Type C&D First Floor Plan
- Drawing 3073(04)241 – House Type E Floor Plans, Ground Floor Plan
- Drawing 3073(04)242 – House Type E Floor Plans, First Floor Plan
- Drawing 3073(04)261 – House Type G, Floor Plans, Ground Floor Plan
- Drawing 3073(04)262 – House Type G Floor Plans, First Floor Plan
- Drawing 3073(04)271 A – House Type H Floor Plans, Ground Floor Plan
- Drawing 3073(04)272 A – House Type H Floor Plans, First Floor Plan
- Drawing 3073(04)281 A – House Type I & J Floor Plans, Ground Floor Plan
- Drawing 3073(04)282 – House Type I & J Floor Plans, First Floor Plan
- Drawing 3073(04)291 – House Type K Floor Plans, Ground Floor Plan

- Drawing 3073(04)292 – House Type K Floor Plans, First Floor Plan
 - Drawing 3073(04)293 – House Type K Floor Plans, Second Floor Plan
 - Drawing 3073(04)301 B – House Type A Elevations (Type 1)
 - Drawing 3073(04)302 B – House Type A Elevations (Type 2)
 - Drawing 3073(04)311 B – House Type B Elevations
 - Drawing 3073(04)322 B – House Type B Elevations (Type 2)
 - Drawing 3073(04)323 B – House Type C Elevations (Type 3)
 - Drawing 3073(04)331 B – House Type C&D Elevations (Type 1)
 - Drawing 3073(04)332 B – House Type C&D Elevations (Type 2)
 - Drawing 3073(04)333 B – House Type C&D Elevations (Type 3)
 - Drawing 3073(04)341 A – House Type E, Elevations
 - Drawing 3073(04)342 A – House Type E Elevations (Type 2)
 - Drawing 3073(04)344 B – House Type E Elevations (Type 4)
 - Drawing 3073(04)361 A – House Type G, Elevations
 - Drawing 3073(04)371 C – House Type H, Elevations
 - Drawing 3073(04)381 C – House Type I & J Floor Plans, Elevations
 - Drawing 3073(04)391 A – House Type K Elevations (Type 1)
 - Drawing 3073(04)392 A – House Type K Elevations (Type 2)
 - Drawing 3073(04)2200 – House Type L1 (Plots 1-36), Floor Plans, Ground and 1st Floor Plan
 - Drawing 3073(04)2211 – House Type L1 Floor Plans, Ground Floor Plan
 - Drawing 3073(04)2212 – House Type L1 Floor Plans, First Floor Plan
 - Drawing 3073(04)2213 – House Type L1 Floor Plans, Second Floor Plan
 - Drawing 3073(04)2201 – House Type L1 (Plots 1-36), Floor Plans, Second Floor Plan
 - Drawing 3073(04)2311 A – House Type L1 Elevations (Type 1)
 - Drawing 3073(04)2312 A – House Type L1 Elevations (Type 2)
 - Drawing 3073(04)2321 A – House Type L1 (Plots 1-36), Elevations (Type 1)
 - Drawing 3073(04)2322 A – House Type L1 (Plots 1-36), Elevations (Type 2)
 - Drawing 3154 (90)204 A – Proposed Site Plan (5 of 6)
 - Drawing 3154(90)205 A – Proposed Site Plan (6 of 6)
 - Drawing 1155090 300 A – Reinforced Earth Details (60 Degrees)
 - Drawing 1155090 301 A – Reinforced Earth Details (70 Degrees)
 - Drawing 1155090 302 B – Gabion Basket Retained Boundary
 - Drawing 1155090 303 C – Gabion Basket Retaining Sections
 - Drawing 1155090 304 C – Gabion Basket Retaining Sections
 - Drawing 1155090 305 – Gabion Basket & Reinforced Earth Bank Extents Plan
 - Drawing 1155090 551 – Reen Setting Out
 - Unnumbered Drawing – Retaining Walls Revision A (07.03.2017)
 - Unnumbered Drawing – Construction Site Layout (14/03/2018)
 - Wildlife Protection Plan (WPP) & Environment Management Plan (EMP)
- Reason: to comply with Welsh Government Circular 016/2014, Paragraph 5.30.

Pre-commencement Conditions

Imported Materials to raise the site

02 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 including controlled waters which may arise as a result of potential land contamination are satisfactorily addressed.

Pre-construction conditions

Surface Water Drainage

03 Prior to the construction of Plots 1-36 details of the surface water drainage for those Plots and any associated roadways and car parking shall be provided in writing to the

Council. Following the Council's written agreement the surface water arrangements shall be provided as agreed when the relevant part of the development is constructed.

Reason: to ensure this part of the site is appropriately drained, to reduce the risk of surface water flooding offsite and to protect the conservation objectives of the River Usk SAC.

Details of bin stores

04 Prior to the construction of any bin store or a cycle store as shown in Drawing 3073 (04) 100 N 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 and to ensure the bin stores have sufficient capacity.

Treatment of run-off for hydro-carbons

05 Surface water drainage from roads, parking areas and any other surfaced areas where motor vehicles park or transit shall be passed through a mechanism to remove hydrocarbons prior to being discharged to any surface waters. The design and capacity of the means to remove hydrocarbons shall be submitted to the Council in writing. Following the Council's written agreement the agreed mechanism shall be fully installed at the time the area it serves is constructed and it shall be retained thereafter.

Reason: to protect surface waters and the River Usk SAC from hydrocarbon pollution.

Piling & Risks to Ground Waters

06 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 ground waters from inappropriate methods of piling.

Window reveals

07 No window shall be installed in any block of flats approved under this consent until details of a window reveal have been provided in writing to the Council. Following the Council's written agreement the windows shall be installed as agreed.

Reason: to break up facades in the interests of good design and visual amenity.

Parking Courts

08 Notwithstanding submitted details, no parking court accessed via an underpass shall be completed until details of finishing materials, landscaping, boundary treatments and lighting have been submitted to and agreed in writing by the Council. The courts shall be completed as agreed prior to their first use.

Reason: to ensure that these are high quality spaces that provide a safe and attractive environment to users.

Alternative Boundary Treatment

09 Notwithstanding the submitted details, details of an alternative rear boundary treatment for Plots 144-149 & Plots 161-166 shall be provided in writing to the Council. Following the Council's written agreement the boundary shall be installed fully as agreed prior to the first occupation of those Plots.

Reason: to ensure the provision of a high quality boundary in a prominent and publically accessible location.

Lighting

10 Full details of lighting shall be provided for adopted roads & footways / cycleways, unadopted roads & footways / cycleways and other areas of public access including car parks, parking courts and areas of public open space shall be provided to the Council in writing. Following the Council's written agreement the lighting shall be provided as agreed prior to the first beneficial use of the areas to be lit. Any lighting scheme submitted shall have regard to maintaining dark corridors along the river bank. No other lighting shall be installed in these areas.

Reason: to protect residential amenity, public safety and ecological interests including the conservation objectives of the River Usk SAC.

Pre-occupation Conditions

Acoustic fencing

11 Prior to the occupation of any dwelling backing onto the railway or the adjacent industrial land; full details of an acoustic fence including its location, height, density, means of construction, materials and finish (colour & texture) shall be provided in writing to the Council. Following the Council's written agreement the fence shall be provided as agreed before the occupation of any of the Plots described above.

Reason: to protect the outdoor and indoor amenity of the occupiers of those Plots and to accord with the assumptions of the submitted Environmental Statement in relation to noise mitigation.

Details of glazing & ventilation

12 Prior to the occupation of any dwelling backing onto the railway or the adjacent industrial land; full details of the glazing specification and trickle vents for the windows of those dwellings shall be provided in writing to the Council. The details shall show that internal noise can be mitigated to the Target Criteria specified in Table 0-12 '*Indicative Façade Sound Insulation Performance for Glazing Elements*' of Chapter 13 of the submitted Environmental Statement. Where that level of mitigation cannot be achieved with open windows details of an alternative means to ventilate affected rooms shall be provided. Following the Council's written agreement the glazing, trickle vents and alternative means of ventilation (as required) shall be installed as approved prior to the occupation of those plots.

Reason: to protect the amenity of future occupiers.

Provision of Drainage

13 No dwelling shall be occupied until the means to drain foul and surface water from that dwelling have been provided.

Roads Completion

14 The approved roads / cycleways / footways shall be built in accordance with construction details, including drainage details that have been submitted to and approved in writing by the local planning authority. The roads / cycleways / footways shall be provided minimally to base course level prior to the occupation of the dwelling they serve and shall be fully completed within 3 months of the completion of the last dwelling within the relevant phase.

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

Parking

15 Arrangements for vehicle parking shall be provided as approved prior to the occupation of any part of the scheme to which those parking arrangements relate and they shall be retained thereafter.

Reason: to ensure there is sufficient parking in the interests of residential amenity and highway safety.

Remediation Verification

16 Prior to occupation of any part of the approved development, a verification report demonstrating completion of the works set out in the remediation strategy submitted under discharge of condition approval 17/0082 (or any other strategy that may be subsequently agreed) and the effectiveness of the remediation for that part of the site 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 and human health 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 or human health following remediation of the site.

Details of Brick Boundary Walls

17 Details of the proposed brick wall boundary treatments shall be provided in writing to the Council. Following the Council's written agreement the walls shall be provided as agreed prior to the occupation of any relevant plot.

Reason: in the interests of visual & residential amenity and safety & security.

Open Space Management

18 No building shall be occupied in the approved scheme in relation to each phase as defined by Condition 30 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 for a period of 5 years following the completion of the last dwelling on that phase.

Reason: to ensure that areas of open space are maintained until fully established in the interests of residential and visual amenity.

Other conditions requiring the submission of information

Unforeseen Contamination

19 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out in the contaminated area(s) 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.

Surface Water Infiltration

20 Notwithstanding the details shown in Drawing 1795 103 B (Engineering Layout) 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.

Shad & Lamprey Migration

21 No works within the River (below the top of the river bank) or associated with piling anywhere on the site shall be undertaken during the period from 1 March to 30 June unless the applicant has provided a method statement showing these activities will not cause unacceptable levels of noise or vibration and that Method Statement has been agreed in writing by the Council. Thereafter the works shall be carried out fully in accordance with the Method Statement.

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.

Privacy screening

22 The two central balconies in the Flat L1 'terraced blocks' comprising Plots 01-36 shall not be used until details of a means to provide privacy screening to those balconies has been provided to the Council in writing. Following the Council's written agreement the privacy screening shall be installed as agreed prior to the use of those central balconies.

Reason: to protect the privacy of adjoining occupiers.

Requirement to remediate the site

23 Prior to occupation the site shall be decontaminated / remediated in accordance with the details submitted under discharge of condition approval 17/0082 or in accordance with any other scheme that satisfies the requirements of condition 03 of permission 13/1279 as may be submitted to and agreed in writing by the Council.

Reason: to ensure the site is appropriately remediated in the interests of protecting controlled waters, human health and the conservation objectives of the River Usk SAC.

Directive Conditions

Migratory Fish

24 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.

Hydrocarbon Storage

25 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.

Otter migration

26 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.

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

External Materials - Dwellings

27 The dwellings hereby approved shall be completed using the materials as specified or other materials closely similar in colour and texture.

Reason: to ensure the dwellings are built from appropriate materials in the interest of visual amenity.

Delivery Route

28 Notwithstanding the submitted information relating to deliveries only large indivisible loads that cannot pass below the Turner Street railway bridge shall be delivered via East Usk Road. All other loads shall be delivered via Turner Street unless that route is unavailable due to closure. No deliveries shall take place outside of the hours of 08:00 to 18:00.

Reason: in the interests of wider residential amenity.

Hard Surfacing

29 Hard surfaces shall be provided as per drawing 3073 (04) 100 N – Site Layout other than as amended by information provided to discharge other conditions of this permission.

Reason: to ensure the development is completed using appropriate materials.

Phasing Plan

30 The development shall proceed in accordance with the phasing shown in unnumbered drawing 'Construction Site Layout' (Revision 14.03.2018).

Reason: so the development proceeds in an orderly way.

Landscaping

31 The Planting shown in:

Drawing A102732 P LA1 F – Landscape Layout and

Drawing A102732 P LA2 F – Planting Details 1 of 7

Drawing A102732 P LA3 F – Planting Details 2 of 7

Drawing A102732 P LA4 F – Planting Details 3 of 7

Drawing A102732 P LA5 F – Planting Details 4 of 7

Drawing A102732 P LA6 F – Planting Details 5 of 7

Drawing A102732 P LA7 F – Planting Details 6 of 7

Drawing A102732 P LA8 F – Planting Details 7 of 7

Shall be provided within the next full planting season (September to March inclusive) after the completion of the last dwelling on the phase to which it relates. Thereafter the planting shall be maintained for a period of 5 years from its implementation and any dead or dying plants shall be replaced with new plants of the same type and size during that time period.

Reason: to ensure the site is appropriately planted.

Land raising

32 The site north of Lottery's Reen shall be raised to 10.4m AOD and buildings in that area shall have a finished floor level of 10.4m AOD. The site to the south of Lottery's Reen shall be raised to 9.95m AOD and buildings in that area shall have a finished floor level of 9.95m AOD.

Reason: to mitigate the risk of flooding and to comply with the advice of Paragraph 4.26 of the submitted Flood Consequences Assessment.

Travel Plan

33 The requirements of the submitted Travel Plan (March 2018) shall be implemented as described and maintained so far as relevant for a period of 3 years following the occupation of the last dwelling to be completed on the site.

Reason: to encourage the use of sustainable forms of transport in the interests of overall sustainability and reducing air pollution in the Caerleon Road AQMA.

Ecological Mitigation

34 The ecological avoidance, mitigation & compensation and the habitat management described in the *Wildlife Protection Plan* and the *Environmental Management Plan* shall be carried out as described as the relevant phases of the scheme are completed. The EMP shall be carried out as described from when ecological mitigation is first enacted until 10 years after the last dwelling is completed. Where measures in the Wildlife Protection Plan are contradicted by other conditions applied to this permission the other conditions shall take precedence.

Reason: to protect the conservation objectives of the River Usk SAC during the construction phase, to provide compensatory and mitigatory habitats for those that have been lost and to ensure the new habitats are maintained until established.

Compliance with CEMP

35 Works shall be carried out in accordance with the submitted CEMP. Where measures in the CEMP are contradicted by other conditions applied to this permission the other conditions shall take precedence.

Reason: to protect ecological interests, highway safety and wider amenity.

Provision of boundaries prior to occupation

36 Boundary treatments shall be provided as approved prior (or in accordance with any relevant conditional discharge) to the occupation of the dwellings which they serve or within 3 months of the completion of the phase where they are located if they do not serve a dwelling.

Reason: in the interests of visual and residential amenity.

Surface Water Drainage

37 The Surface water drainage mechanism shown in Drawing 1795 /103B – Engineering Layout shall be installed as shown. The drainage shall be provided at the time the associated roads are constructed.

Reason: to ensure surface water drainage on the site is provided and to reduce the risk of exacerbating surface water flooding off the site.

NOTE TO APPLICANT

- 01 This decision relates to the following documents in relation to those contained in Condition 01:
- Drawing 1795 002 – Refuse Vehicle Tracking
 - Proposed Piling Strategy for Residential Development, Herbert road, Newport (19 March 2018)
 - Drawing 3154(90)208 – Proposed Site Sections
 - Drawing 3073(04)001 B – Site Location
 - Design & Access Statement (August 2018)
 - Environmental Statement, Volumes 1-3 & Appendices
 - Addendum to Environmental statement (July 2018)
 - Surface Water Calculations; Reen Sizing (1155090 – Reen, Rev. A)
 - Acoustic Fencing (PCD 12)
 - Construction Environment Management Plan (March 2018)
 - Delivery Plan (March 2018)
 - Travel Plan (March 2018)
 - Proposed Materials Schedule (MaterialsV1/HR)
 - Otter Mitigation Strategy (March 2017)
 - PAC Report & Appendices (March 2018)
 - Proposed Piling Strategy March 2018 (1155090-SM-01 Rev 01)
 - Planning Statement (March 2018)
 - Photograph of Stone Sample (Gabion Basket Fill)
 - Swept-Path analysis of several construction Vehicles, Travelling from Caerleon Rd (B4596) to the site access, Herbert Road, Newport (March 2018)
 - Transport Statement (March 2018)
 - Supplementary Piling Note (01 August 2018)
- 02 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.
- 03 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.
- 04 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.
- 05 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.
- 06 This permission is subject to a legal agreement under section 106 of the Town and Country Planning Act 1990.
- 07 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.
- 08 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.
- 09 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.

- 10 The application was accompanied by an Environmental Statement.
 - 11 A programme of Knotweed eradication should be carried out 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.
 - 12 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.
 - 13 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.
-