

APPLICATION DETAILS

No: 25/0333 **Ward:** Victoria

Type: Full (Major)

Expiry Date: 24th September 2025

Applicant: J. Guy

Site: Former Depot, Coverack Road, Newport, South Wales

Proposal: **PROPOSED DEVELOPMENT OF 40NO. HOMES AND ASSOCIATED WORKS**

Recommendation: GRANTED WITH CONDITIONS SUBJECT TO SECTION 106 LEGAL AGREEMENT WITH DELEGATED POWERS TO REFUSE THE APPLICATION IN THE EVENT THAT THE AGREEMENT IS NOT SIGNED WITHIN 3 MONTHS OF THE DECISION

1. INTRODUCTION

- 1.1 This is an application for full planning permission for a 5 storey block containing 40no. flats on land to the immediate southeast of the George Street Bridge on the east bank of the Usk adjacent to Coverack Road. The site is allocated under the adopted Newport Local Development Plan 2011-2026 for housing H1(64) – Uskside Paint Mills for 53 units.

2. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
10/1087	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING UP TO 77 APARTMENTS AND UP TO 50 CAR PARKING SPACES, USING EXISTING ACCESS OF COVERACK ROAD, WITH ALL OTHER MATTERS RESERVED	R 06 July 2011
12/0666	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING UP TO 77 APARTMENTS AND UP TO 94 CAR PARKING SPACES, USING RELOCATED ACCESS OFF COVERACK ROAD, WITH ALL OTHER MATTERS RESERVED (RESUBMISSION)	R 06 June 2014 Appeal G6935/A/14/2229585 Dismissed - 04 June 2015
18/1169	ERECTION OF 1NO. FIVE STOREY APARTMENT BLOCK AND 1NO. 6 STOREY APARTMENT BLOCK COMPRISING 76NO. ONE AND TWO BEDROOM DWELLINGS WITH CAR PARK AND ASSOCIATED WORK	GC 27 August 2019

3. POLICY CONTEXT

3.1 Future Wales

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

The growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure. Urban growth and regeneration should be based on the following strategic placemaking principles:

- creating a rich mix of uses;
- providing a variety of housing types and tenures;
- building places at a walkable scale, with homes, local facilities and public transport within walking distance of each other;
- increasing population density, with development built at urban densities that can support public transport and local facilities;
- establishing a permeable network of streets, with a hierarchy that informs the nature of development;
- promoting a plot-based approach to development, which provides opportunities for the development of small plots, including for custom and self-builders; and
- integrating green infrastructure, informed by the planning authority's Green Infrastructure Assessment.

Planning authorities should use development plans to establish a vision for each town and city. This should be supported by a spatial framework that guides growth and regeneration, and establishes a structure within which towns and cities can grow, evolve, diversify and flourish over time.

3.2 Planning Policy Wales Edition 12 (PPW12)

“Placemaking” is a holistic approach to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area's potential to create high quality development and public spaces that promote people's prosperity, health, happiness, and well being in the widest sense.

Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place.

Placemaking should not add additional cost to a development, but will require smart, multi-dimensional and innovative thinking to implement and should be considered at the earliest possible stage. Placemaking adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into planning decisions.

2.23 Building Better Places recognises the pivotal role that planners play in shaping our society for the future. They must plan for our priorities around placemaking, decarbonisation and well-being.

3.23 Green infrastructure can be an effective means of enhancing health and well-being, through linking dwellings, workplaces and community facilities and providing high quality, accessible green spaces. In all development and in public spaces especially, there should be sensitive management of light, and exposure to airborne pollution should be kept as low as reasonably practicable.

3.55 Previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development.

In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development.

4.0.3 This theme aims to ensure new development is located and designed in a way which minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment, local services and community facilities. This will be achieved through integrating development with sustainable transport infrastructure and designing schemes in a way which maximises provision and use of sustainable forms of travel, including prioritising these modes over the private car.

Sustainable Transport

4.1.8 The Welsh Government is committed to reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Delivering this objective will make an important contribution to decarbonisation, improving air quality, increasing physical activity, improving the health of the nation and realising the goals of the Well-being of Future Generations Act.

Active Travel

4.1.26 Walking and cycling are good for our health and well-being. They support valuable social and recreational opportunities and are integral to placemaking, creating life and activity in public places and providing the opportunity to meet people. Sustainable places invite people to walk and cycle as part of their everyday routine.

Ultra Low Emission Vehicles

4.1.41 To encourage the use of Ultra Low Emission Vehicles (ULEVs), the planning system should encourage and support the provision of ULEV charging points as part of new development.

4.2.26 A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications. Affordable housing for the purposes of the land use planning system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers.

4.5 Recreational Spaces

4.5.1 Recreational spaces are vital for our health, well-being and amenity, and can contribute to an area's green infrastructure. They provide a place for play, sport, healthy physical activity and a place to relax often in the presence of nature, and they contribute to our quality of life. Networks of high quality, accessible green spaces and recreation spaces will also promote nature conservation, biodiversity and provide enjoyable opportunities for residents and visitors to participate in a wide range of physical activities. These activities are important for the well-being of children and adults and for the social, environmental, cultural and economic life of Wales.

4.5.3 Formal and informal open green spaces should be protected from development, particularly in urban areas where they fulfil multiple purposes. As well as enhancing quality of life, they contribute to biodiversity, the conservation of the historic environment, nature and landscape, better air quality, the protection of groundwater and as places of tranquillity

6.2.11 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, informed by an appropriate level of assessment, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, help to overcome the potential for conflicting objectives, and contribute to health and well-being outcomes.

3.3 Adopted Newport Local Development Plan 2011-2026

SP1 – Sustainability
SP9 – Conservation of the Natural, Historic & Built Environment
SP10 – House Building Requirement
SP13 – Planning Obligations
SP18 – Urban Regeneration
GP1 – Climate Change
GP2 – General Amenity
GP4 – Highways & Accessibility
GP5 – Natural Environment
GP7 – Environmental Protection & Public Health
H2 – Housing standards
H3 – Housing Mix & Density
H4 – Affordable Housing
T3 – Road Hierarchy
T4 – Parking
T5 – Walking & Cycling
T7 – Public Rights of Way & New Development
CE1 – Routeways, Corridors & Gateways
CE2 – Waterfront Development
CF2 – Outdoor Play Space Requirements
CF4 – Riverfront Access
W3 – Provision for Waste Management Facilities in Development

3.4 Relevant adopted Supplementary Planning Guidance is:

- Parking Standards
- Affordable Housing
- Sustainable Travel
- Planning Obligations
- New Dwellings
- Waste Storage & Collection
- Outdoor Play Space Provision

4. **CONSULTATIONS**

- 4.1 Dwr Cymru / Welsh Water (DCWW): Advise no issues in relation to water supply and sewerage treatment but request a condition to prevent surface water drainage connecting to the sewers.
- 4.2 Cyfoeth Naturiol Cymru / Natural Resources Wales (CNC/NRW): Advise the site is contaminated and that conditions should secure ground investigation, decontamination of the site, control infiltration and piling methodologies.

There is no objection on flooding grounds following review of the submitted FCA.

A Construction Environment Management Plan should be conditioned and the submitted Habitat Regulations Assessment is accepted. External lighting should be controlled to protect other interest in the river notwithstanding existing levels of illumination and potential disturbance.

- 4.3 Gwasanaeth Tan & Achub De Cymru / South Wales Fire & Rescue Service: Advise that there should be suitable supplies of water and access for fire engines.
- 4.4 Wales & West Utilities: Advise of equipment in the area and safe working practices.
- 4.5 National Grid Electricity Distribution (formerly Western Power): Advise of equipment in the area and safe working practices.
- 4.6 HSE: No interest.
- 4.7 Heddlu Gwent Police: No objection and offer advice on potential security measures to be built into the scheme.

5. INTERNAL COUNCIL ADVICE

- 5.1 NCC SAB: Confirm receipt of SAB application.
- 5.2 NCC Trees: No objection.
- 5.3 NCC Housing Strategy: The proposed provision meets local housing need and must be compliant with WDQR space standards to qualify for grant funding.
- 5.4 NCC Highways: Parking provision is below the SPG requirement but is consistent with the parking levels on the earlier phase of development and is not objectionable. Disabled and ULEV parking should be secured alongside bicycle parking provision. Conditions are required to secure implementation of parking, construction traffic management and a Travel Plan.
- 5.5 NCC PRoW: Comments on the need to maintain the integrity of the adjacent footway (411/1/1).
- 5.6 NCC Landscaping: Comments on planting scheme but does not object.
- 5.7 NCC Ecology: agrees with CNC/NRW that the submitted Habitat Regulations Assessment can be adopted by the Council and advises that a condition is applied to secure net-benefit for bio-diversity.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS:
All properties within 50m of the application site were consulted (171 properties) and a site notice was displayed. A press notice was published in the South Wales Argus on the 10.05.2025. No comments were received.
- 6.2 COUNCILLORS: No comments received.

7. ASSESSMENT

The Site

- 7.1 The site measures 0.17Ha and is flat. It is located immediately southeast of the George Street Bridge (Grade II* Listed). The site is currently cleared and not in use being secured by a palisade fence. The former use was industrial with the site having been cleared some time after 2006. The site is marginally set back from the River Usk with housing to the southeast (Argosy Way) and flatted development to the northwest (Tramway House & Bankside House). Road access is via Coverack Road with foot access via Morris Street and the Riverside Walk on the east bank of the Usk.

The Proposal

- 7.2 The proposal is to construct a 5 storey block of flats of similar design to those already constructed to the northwest. The block will contain 40 no. flats consisting of 30no. 1 bed units and 10no. 2 bed units.
- 7.3 The block will be a further phase of the development to the northwest and by the same developer (Newport City Homes / Hedyn). External materials will be red brick, chalk coloured cladding and grey horizontal cladding on the top floor and as a feature in lower floor elements. Window and door frames will be aluminium in a currently fashionable grey finish. A reconstituted stone stringer course and window sills are proposed for detailing. Each flat will have access to a balcony of powder coated aluminium with glazed infill panels.
- 7.4 32no parking spaces are proposed alongside secure bicycle parking and a bin store. Car parking will be accessed from Coverack Road at the 'rear' of the building along the existing access road to Bankside House. Limited planting is proposed on the site's edge.

Key Issues

- 7.5 Key Issues are:
- Design & Appearance
 - Impact on the listed George Street Bridge
 - Parking Levels
 - Amenity of occupiers and neighbours
 - Ground Contamination & Piling
 - Air pollution
 - Habitat Regulations Assessment / Appropriate Assessment
 - Noise

Minor Issues are:

- Flooding
- Bio-diversity Enhancement
- External Lighting
- Surface Water Drainage
- Waste & Recycling
- Boundary Treatments
- Archaeology

Design & Appearance

- 7.6 The proposed block is closely similar in design and appearance to the existing blocks to the northwest of the site and matches them in overall appearance and massing. There is a suitable mix of materials to lend visual interest to elevations and the proportions and placement of the materials is appropriate to maintain a balanced appearance.
- 7.7 The proposed balconies, doorframes and window frames will be of powder coated aluminium and are visually acceptable and durable in the riverfront context with some reconstituted stone being used to add visual interest.
- 7.8 The main elevations through material treatments, detailing and variation in building line have appropriate levels of differentiation to appear attractive. The side elevations are less detailed in part driven by the flat layouts with a small window provided over the sink units in each flat. There is a slight variation in building line on these elevations and some material differentiation but the corner is not particularly well turned in this design. However the elevation is not entirely 'dead' and the proposed balconies will offer views out to the side and over Coverack Road as will the proposed windows. Although not exemplary the side elevation treatment is marginally acceptable in context.
- 7.9 The submission does not show rainwater goods and some materials (sills) are not annotated so their detailing is unclear. However conditions can secure details of materials. Given the scale of these elevations it will also be necessary to secure a window reveal similar to that provided in the existing blocks in the interests of securing good design detail. Subject to conditions the design and appearance of the block is acceptable and compliant with Policy GP2ii (Visual Amenity), GP6 (Design) and CE2 (Waterfront Development).

Impact on the listed George Street Bridge

- 7.10 The George Street Bridge is listed Grade II* being the first cable stay cantilevered bridge to be constructed in the UK. It dates to the early 1960s. It is a nationally important structure on a UK basis.
- 7.11 In Wales the statutory test for Listed Buildings is at Section 96(2) of the Historic Environment Wales Act 2023¹ and that states:

In considering whether to grant listed building consent, a planning authority or the Welsh Ministers must have special regard to the desirability of preserving—

(a) the listed building to which the application relates,

(b) the setting of the building, and

(c) any features of special architectural or historic interest the building possesses.

In this case the development will have no direct impact on the Listed structure but it will have an impact on the setting of the building altering views that are currently available of the bridge particularly from Coverack Road.

¹ [Historic Environment \(Wales\) Act 2023](#)

7.12 The applicant has provided a Heritage Impact Assessment (April 2025) which addresses the impact on the setting of the George Street bridge (GSB) and upon the Grade I Listed Transporter bridge to the southeast of this site. This concludes that impacts are minor and not harmful to the setting of either Listed structure.

7.13 Appeal G6935/A/14/2229585 on this site arrived at the following conclusion in regard to the impact of that proposal (a series of residential towers varying between 2 and 14 storeys). In that decision the Inspector concluded:

18. The bridge has a major visual impact on the townscape in Newport being a dominating and visually distinctive landmark feature over much of the city. The appellants contend that the setting of the bridge is of relatively minor significance as it has been listed by virtue of being an example of a particular building type or technique rather than on its aesthetic design quality and that these qualities would still be appreciated. The Council concurs with this view although accepts that the development would affect views of the bridge and detract from its qualities as a landmark. I consider that the bridge's engineering excellence and qualities are appreciated through its setting with a visual prominence largely attributed to its elevation over a wide span of open water and its clear definition as a cable stayed bridge with its supporting vertical masts rising high above the surroundings.

19. I am satisfied that the relatively low heights of the two, five and seven storey elements of the proposal would not cause harm to its setting. However the fourteen storey element would be situated in close proximity to the north east mast and extend close to the height of the tallest cable stay where it meets the concrete mast. The scale and mass of this element of the development would be significantly larger than the slender form of the masts and would visually compete with the bridge. I find this would be harmful to the stand alone prominence of the bridge and which is a vital component of defining its significance. I also note that Cadw's Inspector of Historic Buildings has a similar view.

7.14 It is clear that the Inspector judged that views of the bridge were an important element of the GSB's special character but that the lower proposed towers although set slightly further back from the river than this proposal would not have a significantly adverse impact on the bridge setting and notes that CADW were in agreement on that point. On review CADW were clear that the 14 storey element was harmful to setting but were silent on the other elements. However the Inspector's conclusions are likely to hold good in relation to this development since the concern was the mass and height of the scheme in proximity to the Bridge pylons and other elevated structures. In this case height and massing are significantly lower than the appeal scheme and therefore anticipated impacts on setting are proportionally reduced. However caselaw (Barnwell Manor²) has established that the legal test requires that harm to the setting of a listed structure is given significant weight in any planning decision but is capable of being outweighed by other material considerations.

7.15 Impacts of the proposal on the Transporter Bridge have been assessed by the applicant as not resulting *in an unacceptable change to the setting of the Grade II**

² [Court of Appeal Judgment Template](#)

listed bridge. The George Street Bridge would demonstrably retain its significance should the development go ahead, Appendix EDP1 of the submitted Archaeological and Heritage Assessment. No evidence to the contrary has been provided and there is no reason to disagree with this assessment. Overall the proposal although impacting on the setting of the GSB would not cause harm to that setting (see the appeal decision). Policy SP9 (Conservation of the Natural, Historic and Built Environment) is complied with.

Parking Levels

- 7.16 The site is in Parking Zone 3. The proposal includes 32 parking spaces with the 'Parking' SPG requiring one per bedroom in this case; that is 50 spaces including 2 disabled spaces and motorcycle parking should be provided at 5% of the car parking provision (2 spaces). A sustainability assessment can reduce the parking demand to one space per unit in highly sustainable locations and this has been demonstrated here. As such the required parking under the SPG would be 40 spaces plus visitor parking at one space per 5 units, that is 48 spaces in total.
- 7.17 The proposed parking is therefore deficient by 16 spaces over the SPG requirement even after the sustainability reduction has been applied. The sustainability reduction must also be supported by Travel Plan which the applicant has provided. The applicant has also provided a Transport Statement for the scheme. In that scheme parking surveys were undertaken on two nights in March 2024 establishing parking occupancy within the existing Blocks (77 car spaces for 76 flats and all flats occupied) showing a maximum occupancy of 0.64 i.e. 49 spaces occupied and 28 empty.
- 7.18 The applicant notes that parking for this proposal will be amalgamated with that for the existing flatted blocks giving a totality of 109 spaces for 116 flats, that is an SPG requirement for 116 resident spaces and 23 visitor spaces overall within the entirety of the scheme. There is no sustainability reduction for visitor spaces since there can be no certainty visitor journeys start from a sustainable location. Overall the entirety of the scheme would be deficient by 30 parking spaces even allowing for the sustainability reduction.
- 7.19 However if the observed parking occupation (0.65) holds good then the actual demand would be for 90 spaces overall which the parking provision would meet with some leeway available. However members should note that parking demand calculation is an inexact science dependent on a multiplicity of factors. However in this case the proposed flats would be of similar scale, tenure and occupant age profile to those already there so significant weight can be placed on the onsite parking survey as well as the clear sustainability of the location. Additionally the conditioning of the Travel Plan may also have some useful benefit in achieving a shift to more sustainable transport forms than the private car. As such there is no objection to the development on the grounds of parking levels by the Highways Officer subject to conditions to secure that parking, construction traffic arrangements, bicycle parking and the implementation of the Travel Plan. Subject to these conditions and

the securing of details of disabled parking and ULEV charging bays the proposed parking provision is acceptable and Policies SP1 (Sustainability) and GP4 / T4 (Parking) are complied with.

- 7.20 In terms of bicycle parking the applicant proposes 25 resident spaces in a bespoke shelter and 4 visitor spaces (2 bike hoops). The Sustainable Travel SPG requires 1 bike space per 2 bedrooms and 1 space per 20 bedrooms for visitors. In this case there 50 bedrooms so the bike parking space requirement is fully met. Delivery of these spaces can be secured under condition.

Amenity of occupiers and neighbours

- 7.21 In terms of the amenity of occupiers the proposed flats, the one bed units are 50m² or larger and the two bedroom units are 60m². This meets the floor space requirement for common access flats in the adopted 'New Dwellings' SPG and the floor space requirements set out in Welsh Government's *Welsh Development Quality Requirements 2021*³ (WDQR). Internal floor areas are adequate.
- 7.22 In terms of outside private space each flat will have a private balcony / terrace area measuring 2.95m² which meets the required 2.25m² area in the New Dwellings SPG.
- 7.23 The New Dwellings SPG also requires that flats have communal space for residents to use. The estimated occupancy of this block would be 65 persons which would require 780m² of on-site communal space for residents to use. The proposal does not provide this space with the bulk of the site given over to footprint and parking / circulation with a very limited amount of landscaping. This SPG requirement cannot be met. In terms of access to open space the river front walk provides access to a high quality vista and Llysaghts Park is a 600m walk away from the development site and offers sports pitches and equipped play. In effect Victoria is a small, dense urban ward with very little access to greenspace within the ward boundary and although neighbouring wards such as Lliswerry show a better greenspace provision most of that provision is at some distance from this site other than Llysaghts Park.
- 7.24 In terms of contributions to leisure space the Council currently has a convention that affordable housing is not required to make any contribution to leisure facilities or education in an effort to incentivise the delivery of this much needed accommodation type. As such although the development can be expected to increase demand for open space facilities unto itself and because it has no private provision of communal space no contributions would be levied so long as the accommodation remains in affordable tenure for planning purposes. A section 106 agreement will protect the Council's position on this point.
- 7.25 The failure to provide the relevant communal space in combination with the limited access to public amenity space weakens this proposal overall in amenity terms. However the provision of balcony space and the high amenity of the riverside walk go

³ [Welsh Development Quality Requirements 2021](#)

some way to compensating for this lack of communal space on site. The flats are primarily one bedroom with some two bedroom (10 of 50) and this will limit demand for equipped play for example so the harm to residential amenity is judged low in context and given the nature of the accommodation. Nevertheless the failure to meet the policy requirement must be given moderate weight and goes against the development overall.

- 7.26 In terms of neighbouring amenity the key consideration is how the proposed block would effect 2-18 Argosy Way which is an adjacent 3 storey flatted block to the south east separated from this site by Coverack Road. The gable end of that block (facing this site) contains small windows which serve a galley kitchen (04/0076). As a non-habitable room any views to these windows which are limited in any event and at a distance of around 15m would not be harmful and would not be greater than existing views available from Coverack Road at closer distance.
- 7.27 The proposed balconies for this scheme would offer elevated views towards the existing flatted block and toward 1-5 Argosy Way but in terms of the existing flats views are towards areas that are already entirely visible from the public realm at close quarters, so there would be no worsening in that sense. In terms of the houses at the northern end of Argosy way private garden areas are to the rear and are screened from view by the houses themselves, so again there is no worsening over the current situation.
- 7.28 As a taller building the proposed block will cast shade. The applicant has not provided a shade study. However it is clear that the principle shading effect will be in mid-summer after 19:00 hours where shade will be cast over the gable wall and rear car park of the adjacent flatted block on Argosy Way. As noted these windows and this area is not sensitive and so any shade effects are judged very limited and acceptable.

Ground contamination

- 7.29 The site is post industrial and is known to be contaminated. The applicant has submitted a series of geotechnical reports that confirm the contaminated nature of the site and the need to cut off pollution pathways. The reports also confirm the need for a piled foundation due to the depth of estuarine deposits on the site below the made ground currently covering the site.
- 7.30 CNC/NRW have advised that conditions are required to address the contamination risk on the site and that they would not object subject to the application of these conditions to any permission granted. Those conditions would relate to:
- Condition: Land affected by contamination
 - Condition: Contamination verification report
 - Condition: Unsuspected contamination
 - Condition: Surface water drainage
 - Condition: Piling
 - Condition: Construction Environmental Management Plan

- 7.31 The above conditions are primarily designed to protect controlled waters (the Usk) in terms of water quality and wider bio-diversity interests that rely on that water quality. Although the CEMP condition would be generally protective of water quality, existing ecological interests in the river and wider residential amenity. Such a condition is clearly necessary and should be applied.
- 7.32 Given the contaminated nature of the site, the suite of contamination conditions is necessary and will serve to ensure the site is remediated and risks to controlled waters and human health are addressed appropriately.
- 7.33 The drainage condition is to prevent infiltration and the potential mobilisation of contaminants retained in the ground. The site will be primarily built out with limited planting beds. The proposed car park would consist of permeable paving since that will act to slow runoff which is desirable in general terms and would reduce the risk of surface water flooding in the event of a heavy rainfall event. However the submitted drainage strategy shows that water being collected by drains and routed to the Usk via existing road drains. As such permeability will not impact on ground waters here and unrestricted discharge to the tidal Usk is acceptable in flood terms. As such the proposed levels of infiltration are not harmful to the interests of controlled waters subject to the drainage strategy being secured under the conditional regime.
- 7.34 Control over piling methodology is normal on contaminated sites and the condition should be applied to mitigate the risk of contaminated waters being mobilised through the soil profile to deeper uncontaminated ground waters.
- 7.35 Subject to the application of the recommended conditions then risks to human health, controlled waters and bio-diversity can be acceptably controlled and the proposal is acceptable in these terms and is compliant with NLDP Policies GP5 (Bio-diversity) and GP7 (Environmental Protection).

Air Quality

- 7.36 The site lies outside any Air Quality Management Area and outside any AQMA buffer. As such air quality is not a constraint on development on this site. However the applicant has provided an Air Quality Assessment (April 2025) in part to demonstrate that future occupiers will not be exposed to unacceptably high levels of air pollution from traffic using the George Street Bridge (GSB). The report also concludes that traffic generation from the development will have overall negligible impact on the AQMAs in the wider area. Overall air quality will not have a significant impact on future residents and the operation of the site will not cause any significant change to existing air quality in the vicinity. In terms of air quality Policy GP7 (Environmental Protection) is complied with.

Habitat Regulations Assessment / Appropriate Assessment

- 7.37 This site is adjacent to the River Usk which is a Special Area of Conservation (SAC). The Habitat Regulations require that the Council undertakes an Appropriate

Assessment of the implications of the development for the site before permission is granted to ensure that there is no harm to the integrity of the European site (SAC) allowing for how the development is to be undertaken and any controlling planning conditions or other regulations.

- 7.38 In this case the developer has undertaken an Appropriate Assessment / Habitat Regulations Assessment which concludes that the development will not have an adverse impact on the qualifying features of the River Usk (SAC) i.e. the features that make it worthy of designation. The assessment has been commented on by CNC/NRW who agree the qualifying features of the SAC can be protected by a suitable CEMP and who further advise that external lighting on the development be suitably controlled to ensure the river corridor remains suitably dark. Given the lack of objection from CNC/NRW there is no reason why the submitted Appropriate Assessment should not be adopted by the Council as its own. Beyond securing a suitable CEMP and lighting conditions control will be necessary over piling to avoid impacts on migrating fish and on hours of working to avoid disturbance to the sensitive bankside corridor. Other issues such as construction site drainage, fuel storage and site hoarding can be secured under the CEMP.

Noise

- 7.39 The site is subject to significant road noise from the B4237 where it crosses the River Usk. The road deck is elevated and there is little scope to mitigate road noise at source. The applicant has provided a Noise Assessment which confirms external noise levels at the site are dominated by road noise and are higher than recommended guidelines.
- 7.40 However the Noise Assessment concludes that subject appropriate building materials and an upgraded glazing specification that internal noise levels can be brought into an acceptable range both day and night, that is 35dB LAeq,16hr daytime and 30dB LAeq,8hr night-time, in line with the desirable internal ambient noise values quoted in BS 8233:2014 for all of the proposed flats. The submission of details of glazing and materials and their subsequent installation can be secured under condition.
- 7.41 In terms of ventilation it is clear that at least some of the units will not be able to attain the internal noise standards without closed windows. Although acceptable to open windows for purge ventilation for highly limited periods it is not acceptable for residents to be presented with a choice between closed windows and acceptable noise levels but no ventilation or open windows to secure appropriate ventilation and cooling but excessive noise. The Noise Assessment suggests that bespoke trickle ventilation might be acceptable in less airtight buildings but not in more airtight ones where mechanical ventilation will be required.
- 7.42 It is not clear what form this building is taking but it is clear that ventilation and cooling should be effective when windows are closed at least for some of the flats if not all of them. The Noise Assessment itself ultimately 'hedges' on this point advising:

An assessment of permissible open window areas for potential overheating control has also been included. This should be confirmed acceptable with a suitably qualified thermal modelling engineer. If this is not sufficient, an alternative means of controlling overheating may be required, such as local mechanical extraction ("ventilative cooling") to affected bedrooms.

- 7.43 Given this level of doubt the conditioning of a cooling and ventilation strategy for the development is appropriate since the Noise Assessment has confirmed that an acceptable outcome is possible but it is not clear on the information so far provided what that strategy should be. Subject to the securing of additional details there is no reason to think internal levels of noise within the flats cannot be made acceptable.
- 7.44 In terms of external noise that is clearly significant and cannot be mitigated. Which is to say balconies will be excessively noisy when used. However this harm must be balanced against the overall scheme benefits and is seen as not a significantly harmful failure to comply with policy that attracts little weight overall.

Flooding

- 7.45 The site lies in a defended floodplain with much of the site is raised sufficiently to be outside the flood outline. However the access and egress routes are through areas designated as Flood Zone 3 which are at risk of tidal flooding from the Usk although defended. National advice in the form of Technical Advice Note 15: Development, Flooding & Coastal Erosion (March 2025) advises in defended areas that:

'10.17 On brownfield sites redevelopment proposals should not over intensify use neither should they reduce the area's ability to absorb flood water nor cause problems with flooding elsewhere. All applications should consider opportunities to incorporate flood resilient design as appropriate and any proposal involving highly vulnerable development must be compliant with the tolerable conditions

- 7.46 The tolerable conditions are that the site should be flood free in the 1 in 200 year event and that flood water should not exceed 0.6m deep or 0.15 metres per second in velocity during the extreme event (1 in 1000 year flood) for the lifetime of the development including an allowance for climate change. Egress and access routes should remain available over the same period i.e. have the same tolerable conditions as the site itself other than an allowance for slightly faster water speeds (0.3m per second).
- 7.47 Development within defended zones is acceptable and this site is allocated for development. The proposal will intensify development here since the site is currently vacant and would become highly vulnerable development if the scheme were to proceed. However the entirety of the site is outside the flood outline for the extreme event allowing for climate change over the lifetime of the development.
- 7.48 As such flooding is not a direct constraint on this site but national policy requires that access and egress routes be available at all times even under the extreme event.

The FCA concedes that there will be significant flood depths around the site under both the 1 in 200 year flood and the extreme event meaning that in reality the tolerable conditions required under TAN15 will certainly be exceeded in the extreme event likely resulting in danger for all given anticipated flood depths of over 0.9m. As such national flood policy cannot be met and residents would be left with the choice of leaving the site in the event of a tidal flood ahead of time (predictable other than in the event of a flood defence failure) or being contained on the site during the peak flood (1 tide cycle). Containment would see the site dry but surrounded by flood waters with no safe egress available for several hours and residents experiencing a loss of all utilities for that period and a risk of experiencing an emergency event that could not be dealt with, a health care emergency for example. However this policy failure would need to be balanced out against the benefits the scheme can deliver and the concept of containment has been accepted on other regeneration sites within the city previously. Overall Policies SP3 (Flood Risk), GP1 (Climate Change) and GP7 (Environmental Protection) are not complied with due to the reliance on evacuation or containment. However this is seen as a slight harm to flooding policy given the lack of direct impact on the site, the time limited loss of access and the opportunity for prior evacuation that arise here.

Bio-diversity Enhancement

- 7.49 Planning Policy Wales Edition 12 (PPW12) identifies at Paragraph 6.4.3 that developments should secure a net benefit for biodiversity at all scales of development. In this case the site is post-industrial and offers very little bio-diversity potential. The applicant has submitted a Preliminary Ecological Appraisal (PEA) which confirms the low ecological potential of the site currently.
- 7.50 The PEA notes that the proposed (but limited) planting scheme will add some ecological value and notes the potential for bat and bird boxes / bricks to be incorporated into the development. The PEA also makes recommendations in relation to CEMP condition to protect wildlife interests and confirms the need for an Appropriate Assessment on the potential impacts of the scheme on the River Usk SAC. Conditions can secure the delivery of planting / green infrastructure and details of additional bio-diversity benefits and subject to such conditions the scheme can deliver net benefit for biodiversity and accord with national and local policy. Policy GP5 (Natural Environment) is complied with.

External Lighting

- 7.51 External lighting has the potential to disrupt the sensitive riverbank environment in terms of otter migration and other wildlife interests and light spill will need to be controlled via conditions. General control over external lighting is required to ensure public safety and reduction of fear of crime and to prevent excessive lighting adversely impacting amenity and the wider area. A condition can secure these details and subject to this the proposal complies with Policies GP2 (Amenity), GP5 (Natural Environment) and GP7 (Environmental Protection).

Surface Water Drainage

- 7.52 The applicant has not provided a TAN15 Drainage Statement but the Drainage Manager has confirmed that SAB approval is being sought at the same time this planning application is being considered. As such a Drainage Statement is not necessary under this planning submission. However surface water drainage remains a material planning consideration and bears some consideration under this submission. As noted drainage is proposed to be via permeable paving and then a surface water drain to the tidal Usk. Infiltration being generally undesirable on this site due to ground contamination. There is no reason to think that this is an unacceptable drainage solution with the receiving catchment (the tidal river) having no restrictions on in flows and there being no increased risk of surface water flooding. The proposed drainage arrangements are acceptable and Policies GP1 (Climate Change) and GP7 (Environmental Protection) are complied with.

Waste & Recycling

- 7.53 The submitted plans show an area for the storage of waste and recycling. There is no reason to think that the storage area would be inadequate or that there would be any operational difficulties in accessing the store. However no details of the store have been provided but this can be addressed by the application of a suitable condition. The store is suitably accessible to residents,

Boundary Treatments

- 7.54 No boundary treatments are proposed but the site is prominent and the installation of low-quality boundaries under permitted development could be significantly harmful to visual amenity and the character and appearance of the area. As such it is appropriate to control the provision of boundary treatments through condition.

Archaeology

- 7.55 The site is outside the Archaeologically Sensitive Area but is located on an area that was formally part of the Levels landscape having been developed for industrial purposes in the late 19th century and before that likely as ballast tips on the then undeveloped east bank of the Usk. Heneb (formerly the Glamorgan & Gwent Archaeological Trust) has been consulted but have not commented. However as noted the site is raised ground and had been previously developed initially as a wire mill and thereafter for other industrial purposes. As such this development would not be on natural ground but piling would clearly pose a risk to any archaeological resource that might be beneath the site. However the risk is low since any remains are likely to be spot remains and as noted archaeology is not a constraint on this site. In the case of the sister development to the north of the George Street Bridge, the Archaeological Trust did comment and advised that a written scheme of investigation be submitted and that this would likely result in a watching brief being undertaken in relation works of ground disturbance.

- 7.56 The applicant currently advises that following confirmation that piled foundations were to be employed that the condition for a written scheme of investigation / watching brief was removed as no longer serving any practical purpose. That is not the case and the imposed condition remains extant although it seems likely that there was informal agreement between the developer and the Trust that the condition no longer served any useful purpose.
- 7.57 That would be the case here, a watching brief cannot mitigate the risk from piled foundations and other ground works are likely not to be deep enough to interfere with historic ground levels.
- 7.58 Additionally much of the archaeological interest stems from infilled Pits along the river with the submitted Archaeological & Heritage Assessment concluding that there is no such feature on this site, making reference to historic mapping⁴. On review it seems likely there was a Pit to the north of the Bridge with there still being a drainage outfall into the river in line with Cyril Street with this quite likely being the location of this historic pit which was infilled in the late C19. As such the risk of there being buried archaeological resource on this site is relatively low and there would be no effective way of mitigating the risk to that hypothetical resource in any event.
- 7.59 Given the lack of objection on archaeological grounds from Heneb and the low risk to any remains that may be under the site there is no reason to withhold permission on archaeological grounds or to impose any archaeological condition on the site. Policy SP9 (Conservation of the Historic Environment) is complied with since the risk to buried archaeology is slight.

Section 106 Planning Obligation matters

- 7.60 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>Strategic Housing</i>	<i>to provide on site affordable housing</i>	<i>20% affordable housing on the site</i>		
<i>Education</i>	<i>To meet increased demand for educational services in the area</i>	<i>Number of secondary pupils generated by market dwellings in excess of available capacity at Lliswerry High School (prior</i>		

⁴ [Plan of the Parish of Christchurch in the County of Monmouth 1840, Sheet 8, NEWPORT TITHE MAP 1840](#)

		to commencement) x £29,741 = Secondary Education Sum; Number of primary pupils generated by market dwellings in excess of available capacity at St Andrews Primary School (prior to commencement) x £19,034 = Primary Education Sum.		
Leisure	To meet increased demand for leisure services in the area	Number of one bed 'open market' dwellings x £2,218 = Leisure Sum; Number of two bed 'open market' dwellings x £4,345 = Leisure Sum		

7.61 The Council will require the applicant to enter into a legal agreement. That agreement will secure the Policy required level of affordable housing, that is 20% in East Newport (Policy H4 – Affordable Housing), but also requiring that any units above that sold in the open market meet the education and leisure contributions. Should these units also be provided as affordable units by the developer then these contributions will not fall due. In effect the agreement protects the Council's position going forward.

7.62 Should the applicant deliver the scheme as 100% affordable then the above contribution will not fall due.

8. OTHER CONSIDERATIONS

8.1 **Crime and Disorder Act 1998**

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

8.2 **Equality Act 2010**

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

8.3 Having due regard to advancing equality involves:

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

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to

reduce the inequalities of outcome that result from socio-economic disadvantage.

- 8.4 The above duties have been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

8.6 ***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 On the assessment of officers the scheme as proposed fails to provide communal space on site and has limited access to good quality open space in the vicinity of the site. Additionally flood egress routes would not be operational at all times within tolerable limits. Parking levels would be below policy requirement but the applicant has provided sufficient information to offset that concern given parking levels within the existing scheme and the general sustainability of the site.
- 9.2 Flood concerns can be mitigated downward by the fact that the site itself will be dry even under extreme conditions and because the time of containment is limited. As such the harm to flood policy is seen as slight and must be offset against the wider benefits of the scheme including the regeneration benefits it confers. These attract significant weight in terms of providing much needed affordable housing and bringing a redundant site back into productive use. Improvement of the appearance off this site in a prominent riverfront site is also a clear benefit.
- 9.3 The scheme can be delivered in such a way that the bio-diversity interests of the river can be fully protected and without adversely impacting on the amenity of neighbouring properties.
- 9.4 The proposal will impact on the setting of the listed George Street Bridge obscuring panoramic views of the bridge that are currently available. The applicant concludes

that harms to setting are limited nevertheless any harm must be given significant weight in any consideration. The previous appeal decision on the site considered that mid-level blocks set further back from the riverfront than this proposal would not be harmful to setting. As such any harm to setting that did accrue is by definition significant in the consideration of this application but on this occasion it is decisively outweighed by the benefits of the scheme.

- 9.5 Overall Officers conclude that the benefits of the scheme conclusively outweigh the policy failures identified and that on balance permission subject to conditions should be granted.

10. RECOMMENDATION
GRANTED WITH CONDITIONS SUBJECT TO SECTION 106 LEGAL AGREEMENT WITH DELEGATED POWERS TO REFUSE THE APPLICATION IN THE EVENT THAT THE AGREEMENT IS NOT SIGNED WITHIN 3 MONTHS OF THE DECISION

Additional Conditions

01 Plans: The development shall be implemented in accordance with the following plans and documents:

- Drawing 1671 PL 01 – Location Plan (Red Line Plan)
- Drawing 1671 PL 04 – Site Plan Plan
- Drawing 1671 PL 05 – Ground Floor Plan
- Drawing 1671 PL 06 – Upper Floor Plans
- Drawing 1671 PL 07 – Elevations
- Drawing 1671 PL 10 – Detailed Floor Plan, Type A
- Drawing 1671 PL 11 – Detailed Floor Plan, Type B
- Drawing 1671 PL 12 - Detailed Floor Plan, Type C
- Drawing 1671 PAC 13 – Context Site Plan
- Drawing 23005 SK 001 E – Preliminary Drainage Strategy
- Drawing 23005 SK 002 B – Preliminary Drainage Strategy
- Drawing 23005 SK 003 0 – Preliminary Overland Flow Path
- Drawing 23005 SK 005 0 – Preliminary Typical SUDs & Drainage Details
- Drawing edp8348 d003 B – Detailed Soft Landscape Plan (Sheets 1 and 2)

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based

Pre- commencement conditions

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

A Construction site plan showing:

- Location and maximum height of site offices / welfare facilities.
- Location of crane pad.
- Location and maximum height of material stores / waste stores and stockpiles of soils / sub-soils.
- Location and nature of perimeter fencing.

General Site Management:

- details of site clearance; including scrub clearance including methodology to reduce impacts on the features of the River Usk SAC, especially otters.
- details of construction site drainage including containment ponds / settlement areas, material storage / handling, offset distances from potential sources of water pollution (spoil, oils, fuels, concrete mixing and washing areas) or any other methods that shall be used to reduce sediment or chemical load in surface waters on the site; sufficient to demonstrate that waters emanating from the site shall not enter the River Usk SAC or any other surface water course or drain to such a watercourse unless of appropriate water quality (turbidity and chemical composition).

Biodiversity Management:

- invasive species management in the event invasive species are identified on the site pre-construction.
- Means to exclude mammals, principally otters from the site.

Control of Nuisances:

- Details of construction site lighting demonstrating that such lighting will have no adverse impact on the conservation interests of the River Usk SAC or wider amenity in terms of light spread or via hours of operation.
- details of restrictions to be applied during construction including timing, duration and frequency of works in order to prevent adverse impacts to the conservation interests of the River Usk SAC and wider amenity.
- details of measures to minimise noise and vibration from piling and other construction activities, for example acoustic barriers or timing of works;
- details of dust control measures;

Resource Management:

- details of fuel and chemical storage and containment;

Traffic Management:

- details of routings and timings of site deliveries,
- details of wheel wash facilities.

Pollution Prevention:

- demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented.
- including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

Reason: to protect the conservation interests of the River Usk SAC and to protect wider amenity. Policies SP1, SP4, SP9, GP2, GP4, GP5 and GP7.

03 Ground Assessment & Decontamination Plan: No phase of the development shall commence until the following components of a scheme to deal with the risks

associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:

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

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

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

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

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

Pre – construction conditions

04 Bio-diversity Enhancement: Prior to construction of the approved scheme above damp proof course level a scheme of bio-diversity enhancement to include bat and bird boxes / bricks including suitable provision for nesting swifts and any other measures the applicant identifies shall be submitted to the LPA in writing. Following the LPA's written agreement the approved scheme of bio-diversity enhancement shall be implemented as agreed prior to occupation of the approved flats and shall be retained thereafter.

Reason: to secure bio-diversity enhancement in accordance with national and local policy. Policy GP5.

05 Removal of Pollutants from Surface Water: All surface waters drained from any part of the site where vehicles park or transit shall be passed through a mechanism to remove hydrocarbons and other pollutants from that run-off. The details of that mechanism shall be provided in writing to the LPA and following the written agreement of the LPA that mechanism shall be provided prior to the first occupation of the site and retained thereafter.

Reason: to protect the River Usk from pollution in the interests of bio-diversity and water quality. Policies GP5 and GP7.

06 Window and Door Reveals: No external door or window frame shall be installed until such a time as details of a reveal have been submitted to the LPA in writing. Following the LPA's written agreement all external door and window frames shall be installed as agreed.

Reason: to secure good design and high levels of visual amenity. Policies GP2 & GP6.

07 External Materials: No works of construction above damp-proof course level shall commence until such a time as details of all external materials to be used in the approved building have been submitted to and agreed in writing by the LPA. Following the LPA's written agreement the development shall be constructed of the approved materials.

Reason: to secure good design and high levels of visual amenity. Policies GP2 & GP6.

08 Rainwater Goods and Vents: Details of the placement of rainwater goods and external vents and their appearance shall be provided in writing to the LPA prior to their installation. Following the LPA's written agreement these items shall be installed as agreed.

Reason: to secure good design and high levels of visual amenity. Policies GP2 & GP6.

09 Foundation Design: No construction of foundations shall commence until details of piling or any other foundation designs using penetrative methods showing that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason: to ensure there is no unacceptable risk to groundwater during construction. Policy GP7.

10 Noise Mitigation: No construction of the facades (including roof areas) identified as subject to excessive road noise in Figure 5.1 of the Noise Assessment shall be commenced until such a time as details of the construction of those façades and the glazing to be installed in those facades has been submitted to and agreed in writing by the LPA. The details submitted shall demonstrate that the internal noise for the rooms on those facades will meet the requirements of BS 8233:2014 if the proposed building materials and glazing are used. Following the Council's written agreement the development shall be constructed using the agreed materials and glazing.

Reason: to ensure the flats have a suitable internal noise environment in the interests of residential amenity. Policies GP2 and GP7.

11 Ventilation & Cooling: No construction of any flat above damp course level shall commence until such a time as a cooling and ventilation strategy has been provided for that flat in writing to the LPA. The strategy shall demonstrate that the flat can be adequately cooled and ventilated with closed windows or that internal noise levels will meet BS 8233:2014 if windows are opened. Following the Council's written agreement the flat(s) shall be constructed fully in accordance with the agreed cooling and ventilation strategy.

Reason: to allow the flats to be cooled and ventilated without being exposed to excessive noise. Policies GP2 & GP7.

12 Roads & Surfacing materials: Prior to the construction of any roads / footways / pavements or other hard surfaces details of the construction of those hard surfaces shall be provided in writing to the LPA. Details shall include, materials, construction, drainage and the colour and texture of wearing courses. Following the LPA's written agreement these surfaces shall be provided fully as agreed prior to the first occupation of the site.

Reason: to ensure the site is adequately drained, allows good access in the interests of residential amenity and is appropriate in terms of appearance and visual amenity. Policies GP2, GP4, GP6 and GP7.

Pre –occupation conditions

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

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

14 Parking: Prior to the occupation of the flats hereby approved details of disabled parking and a scheme to allow for the charging of ULEV vehicles shall be provided to the LPA in writing. Following the LPA's written agreement the parking shall be provided as shown in the approved plans other than as amended by the discharge of this condition prior to occupation of the scheme. The agreed details and approved car parking shall be provided fully as agreed prior to occupation and retained thereafter.

Reason: to ensure there is sufficient and appropriate parking for residents and to ensure the uptake of ULEV vehicles and overall sustainability. Policies SP1, GP4 and T4.

15 Bicycle Parking: Prior to occupation details of the secure bicycle parking for the scheme including a covered shelter shall be submitted to the LPA in writing. Following the LPA's written agreement the bicycle parking shall be provided as agreed prior to the occupation of the site and shall be retained thereafter.

Reason: to provide secure weatherproof bicycle parking to a high level of visual amenity in the interests of residential amenity, crime reduction and overall sustainability. Policies SP1, GP2 and GP6.

16 Travel Plan: within 6 months of first occupation details of the Travel Plan, including details of the Travel Plan Co-ordinator and including short term targets (less than 1 year), medium term targets (2-3 years) and longer terms targets (4-5 years); a monitoring and reporting schedule for those targets including the provision for contingency action in the event those targets are not being met, shall be submitted to the LPA in writing. Following the LPA's written agreement the plan shall be implemented, monitored and reported to the LPA as agreed for the 5 year period following occupation. Any contingency action shall be implemented as agreed following the written approval of the LPA in accordance with a timetable to be submitted with the contingency proposed.

Reason: to ensure that the Travel Plan is properly implemented in the interests of Active Travel and sustainable development. Policies SP1 & GP4.

17 Details of Recycling & Bin Store: Prior to occupation of the site details of the proposed bin store shall be provided in writing to the LPA. Following the LPA's written agreement the bin store shall be provided as agreed prior to the first occupation of the site and shall be retained thereafter.

Reason: to ensure that waste and recycling can be stored in adequate quantities and collected by the Council's refuse section or other contractors efficiently in the interests of sustainability, wider visual amenity and residential amenity. Policies SP1 & GP2.

18 Planting: The scheme of planting & planting specification hereby approved shall be carried out in its entirety by a date not later than the end of the next available full planting season following first occupation of the scheme hereby approved. Thereafter the approved planting scheme shall be maintained for a period of 5 years from the date of planting and any plants which die or are damaged shall be replaced and maintained until satisfactorily established. The monitoring and maintenance of the planting during the 5 years establishment phase is to be confirmed by:

- a) A short report with photo evidence by a landscape consultant to be submitted to Newport City Council immediately following the completion of the planting scheme confirming the date of that completion and showing the site before and after planting and seeding has been undertaken, and to confirm that all planting accords with the approved documents e.g. plant species, plant size, planting operations etc; and
- b) A short report with photo evidence by a landscape consultant to be provided to Newport City Council on Years 2 and 5 of the five-year establishment period (dating from the submitted completion date, under part a) summarising any issues with planting or seeding, any replacement planting required and the timetable for that replacement planting to be undertaken.

For the purpose of this condition, a full planting season shall mean the period of October to March inclusive.

Reason: To secure the satisfactory implementation and maintenance of the planting scheme in the interests of residential and visual amenity and rural character having regard to policies SP5, GP2 and GP6 of the adopted Newport Local Development Plan.

19 Foul & Surface Water Drainage: The site shall not be occupied until such a time as the approved surface water and foul drainage has been installed as agreed. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To ensure the site is adequately drained and 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. Policies GP2 & GP7.

20 External Lighting: Prior to the occupation of the flats hereby permitted an Outdoor lighting strategy shall be submitted in writing to the LPA. The strategy shall minimise the need for outdoor lighting and shall demonstrate that there will be no unacceptable light spill to the sensitive riverbank environment. The strategy shall identify means to prevent unacceptable light spill from internal illumination from the building to the sensitive riverbank environment. Following the LPA's written agreement the lighting strategy shall be implemented fully as agreed prior to first occupation of any flat. No other external lighting shall be installed other than as agreed.

Reason: to protect bio-diversity interests in the river corridor, to ensure no excessive or nuisance lighting is installed and to ensure the site is sufficiently lit to protect amenity and wider public safety. Policies GP2, GP5 and GP7.

General conditions

21 Boundary Treatments: No boundary treatments (other than agreed planting) shall be installed on the site without the prior written agreement of the LPA.

Reason: the site is visually prominent and to maintain a high standard of visual amenity and design quality. Policies GP2 & GP6.

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

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks. A site investigation may not uncover all instances of contamination and this condition ensures that contamination encountered during the development phase is dealt with appropriately.

23 Surface Water Drainage: 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 the approval details.

Reason: To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

24 Timing of Piling: Driven/percussive piling shall not be carried out during the core adult Shad migration period (March to June inclusive) or the Lamprey spawning season (April to July inclusive). If piling operations are required during these times only Continuous Flight Auger (CFA) piling shall be utilised and then only between high tide plus one hour and low tide minus one hour (i.e. the falling tide).

Reason: to protect qualifying features of the River Usk SAC and in the interests of wider bio-diversity. Policies SP1, SP9 and GP5.

NOTE TO APPLICANT

01 This decision relates to the following unconditioned plans & documents:

- Unnumbered Drawing – Site Sustainability Appraisal
- Drawing 1671 PL 02 – Site Analysis Plan
- Drawing 1671 PL 03 – Existing Site Plan / Survey
- Drawing 1671 PL 08 – Context Elevations
- Drawing 1671 PL 09 – 3D Images
- Drawing 1671 PL 14 – Massing Comparison
- Coverack Road Phase 2 – Drainage Strategy Report (December 2024)
- Tier 1 Geoenvironmental & Geotechnical Report (April 2025)
- Tier 2 Geoenvironmental & Geotechnical Report (April 2025)
- Geotechnical & Geo-environmental Site Investigation Report: Proposed Residential Development, Coverack Road Newport NP19 0DR (July 2018)
- Air Quality Assessment: Coverack Road Phase 2, Newport (April 2025)

- Coverack Road - Habitat Regulations Assessment P03 (April 2025)
- Environmental Noise Assessment Galliford's Yard – Phase 2 Newport (23.04.2025)
- Coverack Road - Preliminary Ecological Appraisal P03 (April 2025)
- Email 19.06.2025 (Flood Extents)
- Habitat Regulations Assessment P04 (June 2025)
- PAC Report
- Design & Access Statement
- Air Quality Assessment
- Geo-technical & Geo-Environmental SI Report (June 2018)
- Teir 2 Geoenvironmental & Geotechnical Report (April 2025)
- Tier 1 Geoenvironmental & Geotechnical Report (April 2025)
- Sustainability Assessment
- Travel Plan (April 2025)
- Transport Statement (April 2025)
- Green Infrastructure Statement
- Archaeological & Heritage Assessment (April 2025)
- Permeable Paving Design
- Drainage Strategy Report (December 2024)
- Flood Consequences Assessment (April 2025)
- Preliminary Ecological Appraisal (April 2025)
- Planning Statement (April 2025)

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

03 It is considered that the decision has been made in conformity with the Marine Policy Statement (2011) and in accordance with marine national planning policy contained within the Welsh National Marine Plan (2019) as demonstrated in the assessment of this proposal.