

Notice of Decision



Asbri Planning Ltd.
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Cardiff
CF23 8RS

TOWN AND COUNTRY PLANNING ACT 1990 [as amended]

Application No: 13/0713
Application Type: Outline (Major)
Proposal: RESIDENTIAL DEVELOPMENT OF UP TO 250 UNITS AND ASSOCIATED WORKS (OUTLINE)
Site/Location: Former Pirelli Site, Telford Street, Newport
Decision Date: 06-Feb-2014

In pursuance of its powers under the above Act the Council of the City of Newport notifies you of its decision in respect of your application, registered by them on 04-Jul-2013. The application has been:-

Granted with Conditions

STANDARD CONDITIONS

- (a) The matters set out in the conditions below are reserved for the submission and approval of details.
- (b) In the case of any reserved matter relating to Phases 1 and 2, application for approval must be made not later than the expiration of THREE YEARS from the date of this permission. In the case of Phases 3 and 4 application for the approval of reserved matters must be made not later than FIVE YEARS from the date of this permission.
Reason: The application is in outline only and the further details are required to ensure that a satisfactory form of development take place.
- (c) No development other than works of remediation shall be carried out on any phase of the site until details of the reserved matters for that phase have been approved, and the development shall be carried out in accordance with these details.
Reason: The application has been submitted in outline only. Further details are required to ensure that a satisfactory form of development takes place.
- (d) The development to which this permission relates must be begun not later than whichever is the later of the following dates:-
(i) the expiration of FIVE YEARS from the date of this permission; or
(ii) the expiration of TWO YEARS from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
Reason: To conform with the requirements of Sections 91 and 92 of the Town & Country Planning Act 1990.

ADDITIONAL CONDITIONS

- Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the Reserved Matters") shall be obtained from the local planning authority prior to the commencement of any works on the site (unless in relation to works to remediate the site from contamination). The Reserved Matters shall accord with the information contained in drawings 1659/02E (Illustrative Master Plan), 1659/02 SK016A (Movement), 1659/02 SK014A (Landuse and Approximate Locations), 1659/02 SK015A (Landscape and Public Realm) & 1659/02 SK017A (Scale).
Reason: to safeguard the rights of control of the local planning authority in respect of the reserved matters and to comply with the requirements of section 92 of the Town and Country Planning Act 1990 and with the provisions of Article 3(1) of the Town and Country Planning (Development Management Procedure)(Wales) Order 2012.
- Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas, hardstandings and road surfaces shall be cleansed of hydro-carbons. The capacity and design of the mechanism to remove hydro-carbons shall be submitted to and approved in writing by the local planning authority prior to its installation. The mechanism shall be retained thereafter.
Reason: to safeguard the conservation objectives of the River Usk Special Area of Conservation (SAC) and Site of Special Scientific

Interest (SSSI).

3. No part of the development hereby permitted shall be occupied until:
 - A) Based on the information provided within the Integral Geotechnique report 10834/GNS/11E (June 2013) an appropriate assessment of groundwater shall be undertaken which complies to (BS10175/2011), and shall be submitted and approved in writing by the Local Planning Authority. Should this assessment identify significant contamination which requires remediation all works must stop until a revised remediation strategy is submitted to and agreed by the local planning authority and implemented by the developer.
 - B) Based on the remediation proposals within the Integral Geotechnique report 10834/GNS/11E (June 2013) and Outline remediation Strategy Report 10834/GNS/RSR/A (Dec 2011) or in the event any other additional remediation strategy is submitted to and approved in writing by the local planning authority a Completion/Verification Report, confirming the agreed remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.
4. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or a different type to those included in previous reporting, or is in an area previously expected to be clean, then revised remediation proposals shall be submitted to and agreed in writing by the local planning authority and all subsequent remediation carried out in accordance with the revised proposals prior to first occupation of the development.
Reason: to prevent pollution of the aquatic environment in the interests of safeguarding the River Usk SAC and SSSI and in the interests of residential amenities and human health.
5. No development shall commence in relation to each phase as defined by Condition 12 (unless in relation to remediation of contamination) until details of the foul and surface water drainage and storage system for that phase (or for any other area as may be agreed) including means of discharge into the drainage network, have been submitted to and approved in writing by the local planning authority. The development associated with each phase shall be implemented in accordance with the approved details prior to first occupation of that phase.
Reason: to ensure the protection of the River Usk SSSI and the River Usk SAC and to prevent overloading of the local sewerage network.
6. Any imported material used for the preparation of ground levels or capping material shall be uncontaminated natural material which satisfies the appropriate risk assessment criteria for its specific end use. Information to demonstrate suitability of any such material shall be submitted to and approved in writing by the local planning authority before its import to the site.
Reason: to prevent pollution of the water environment and safeguard the conservation objectives of the River Usk SAC and SSSI and in the interests of residential amenities and human health.
7. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways during either the construction or operational phases of development.
Reason: to prevent pollution of the water environment and to safeguard the conservation objectives of the River Usk SAC and SSSI.
8. 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.
Reason: to prevent pollution of controlled waters and to safeguard the conservation objectives of the River Usk SAC and SSSI.
9. Prior to the commencement of construction activities in relation to each phase as defined by condition 12 (or at such other date or stage in development or for such specified activities or works as may be agreed in writing with the local planning authority), the method for piling foundation for that phase shall be approved in writing by the local planning authority. The development shall be carried out using the approved method.
Reason: to prevent pollution of the water environment and safeguard the conservation objectives of the River Usk SAC and SSSI.
10. 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.
11. Prior to the commencement of development in relation to each phase as defined by condition 12 or for any other works over any other agreed area of the site, a Construction Environmental Management Plan (CEMP) pertaining to those specific works and the area they affect shall be submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following:
 - The position of temporary haul roads and compounds containing site offices, workers welfare facilities or compounds containing plant or for the storage of equipment and materials;
 - wheelwashing facilities;
 - dust suppression measures;
 - noise mitigation measures;
 - details of temporary lighting during construction works;
 - details of enclosure of working areas;
 - the drainage strategy to operate during construction setting out controls of contamination during construction, including controls to surface water run off, water pumping, storage of fuels and hazardous materials, spill response plans and other pollution control measures.
 - Other pollution prevention and contingency measures that are to be implemented.Works for each phase or any other agreed area shall be implemented in accordance with the approved CEMP for that phase or area.
Reason: to protect the amenities of nearby residents and in the interests of safeguarding the conservation objectives of the River Usk SAC and SSSI.

12. The development of the land shall proceed sequentially in accordance with an approved phasing plan and phasing programme setting out the proposed phasing of development on the site which shall be submitted to and approved in writing by the local planning authority. The development of the land shall proceed in accordance with the approved phasing plan and phasing programme unless otherwise agreed in writing by the local planning authority.
Reason: in the interests of controlling the phased development of the site.
13. Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve 1 credit under category Ene1 in accordance with the requirements of Code for Sustainable Homes: Technical Guide November 2010 (or such National Guidance that replaces that Technical Guide).
Reason: In the interests of securing sustainable development.
14. No development, other than demolition, shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority to demonstrate that each dwelling hereby approved will achieve a minimum Code for Sustainable Homes Level 3 and achieve 1 credit under category Ene1 in accordance with the requirements of Code for Sustainable Homes: Technical Guide November 2010 (or such National Guidance that replaces that Technical Guide). The development shall be carried out entirely in accordance with the approved assessment and certification unless the Local Planning Authority shall otherwise consent in writing.
Reason: In the interests of securing sustainable development.
15. No dwelling shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out in relation to it, a Final Code Certificate has been issued for it certifying that Code Level 3 and 1 credit under Ene1 have been achieved and the Certificate has been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of securing sustainable development.
16. Each landscaping scheme (which shall be accompanied by a management plan detailing future maintenance) submitted in pursuance of Condition 01 (which in relation to tree/shrub planting shall include inter alia grass mixtures and the number, species, heights on planting and positions of all trees and shrubs as well as details of trees to be retained and measures to protect them during construction) shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of the associated phase of development (as agreed under Condition 12). Thereafter, the trees and shrubs shall be adequately maintained for a period of 5 years (or as agreed in the management plan) from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition a full planting season shall mean the period from October to April inclusive.
Reason: to safeguard the rights of control of the local planning authority in these respects and to ensure that the site is landscaped in a satisfactory manner.
17. The Reserved Matters referred to in Condition 01 shall include where relevant details of all formal and informal recreation areas (details to include siting, design, external appearance, landscaping, means of access and play equipment). These areas shall be provided in accordance with the approved details prior to the occupation of the last dwelling in the phase to which they pertain and shall be maintained as such in perpetuity.
Reason: to ensure that adequate levels of recreation facilities are provided to serve the development.
18. No work shall be commenced on the construction of the approved scheme in relation to roads, parking areas and dwellings on any phase as defined by Condition 12 until details/samples of materials and finishes to be used on the external surfaces (including buildings and hard landscape areas; car park and access road areas) in relation to that phase have been submitted to and approved in writing by the local planning authority. The development of each phase shall then be carried out using the approved materials for that phase.
Reason: to ensure that the development is completed in a manner compatible with its surroundings.
19. No work shall be commenced on the construction of any building in the approved scheme in relation to each phase as defined by Condition 12 until full details of all boundary treatments have been submitted to and approved in writing by the local planning authority for that phase. Boundary treatment details in relation to any dwelling or building shall be implemented in accordance with the approved scheme prior to first occupation of that dwelling or building and shall be maintained as such thereafter.
Reason: to ensure adequate security and privacy and that the scheme is completed in a compatible manner to its surroundings.
20. No building shall be occupied in the approved scheme in relation to each phase as defined by Condition 12 until a management strategy for the maintenance of all areas of formal and informal open space for that phase, not subject to adoption by the local authority, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of any management company proposed and its terms of reference. The management strategy for each phase shall be implemented in accordance with the approved details for that phase.
Reason: to ensure that adequate safeguards are provided to ensure the future provision of recreation facilities.
21. Roads/cycleways/footways on the site in relation to each phase (as defined by Condition 12) shall be constructed in accordance with plans submitted to and approved in writing by the local planning authority prior to commencement of development of the relevant phase and completed in accordance with the approved details prior to first occupation of that phase unless an alternative timescale has been approved in writing by the local planning authority.
Reason: in the interests of highway and pedestrian safety and to ensure that the road works are completed to an adoptable standard.
22. The Reserved Matters referred to in Condition 1 shall include detailed noise and railway vibration mitigation measures which shall be informed by further acoustic modelling based on and as recommended in Report 1109094R01 Noise Impact Assessment for Planning Purposes (24 November 2011). Any mitigation measure required shall be submitted to and approved in writing by the local planning authority. The approved mitigation measures shall be implemented in accordance with the approved details prior to first occupation of any dwelling to which the measures apply. Notwithstanding the requirements of Condition 19 (boundary treatments) the noise mitigation scheme shall consider details of an acoustic fence to be provided along the boundary between the site and the Phoenix Park industrial area.
Reason: in the interests of residential amenity and the effective mitigation of noise and vibration.
23. The Reserved Matters referred to in Condition 01 shall include details of all street lighting, including the trigger times for implementation, which shall be submitted to and approved in writing by the local planning authority. The lighting shall be implemented in accordance with the approved details.
Reason: in the interests of residential amenity, highway and pedestrian safety and the security of the site.

24. The Access points to the site shown in Drawing 13-06-13A (Movement) shall be provided and made available for use before the first occupation of any phase of development (as defined in Condition 12) to which they pertain unless otherwise agreed in writing and they shall be retained thereafter
Reason: to ensure the site can be appropriately accessed and is fully integrated into the surrounding network of roads.
25. The Reserved Matters (layout) referred to in Condition 01 shall demonstrate parking provision to meet CSS Wales Parking Standards. The parking provision shall be completed in accordance with the approved details and shall be retained as approved thereafter.
Reason: in the interests of highway safety and residential amenity.
26. Prior to commencement of any dwelling in relation to each phase as defined by Condition 12 details of measures to control the pedestrian/cycle only access points to and from that phase shall be submitted to and approved in writing by the local planning authority. The control measures for each phase shall be implemented in accordance with the approved details prior to first occupation of that phase.
Reason: in the interest of residential amenity and pedestrian safety.
27. No works to increase the height of the land on the site shall commence until details of the finished site levels and how the raised site levels will integrate with the surrounding land levels have been provided to and have been approved in writing by the local planning authority. Thereafter the site levels will be raised in accordance with the approved levels and in accordance with the agreed phasing scheme (or across any other area of the site as may be agreed by the local planning authority) before any dwelling is constructed on the relevant phase of the scheme or any other area as agreed. The finished levels shall be minimally 7.2m AOD and finished floor levels shall be minimally 7.5m AOD.
Reason: to ensure the site is adequately protected against flooding and in the interests of neighbouring occupiers and to protect any retained trees on the site.
28. No work shall commence on the approved scheme (unless otherwise agreed in writing in relation to specific works as agreed with the local planning authority) until an ecological management scheme for the site has been submitted to and approved in writing by the local planning authority. The ecological management scheme shall include details of how the Ecological Spine identified on Page 19 of the document 'Loftus Garden Village Open Space and Ecological Provision' (Ref. 281/doc/010revB) will be managed in the interests of biodiversity as well as details of other ecological enhancement proposals across the wider site. Following the local planning authority's written approval of the ecological management scheme, the scheme shall be fully implemented as approved following the occupation of the last house within each phase of the scheme as identified in Condition 12 to which the measures pertain unless otherwise agreed.
Reason: to retain features of ecological interest within the site and to enhance the overall sustainability of the scheme.
29. No work shall commence on any dwelling within the development hereby approved before an assessment of the impact of the development on local air quality has been submitted to, and approved in writing by the local planning authority. The assessment shall include modelling of the impact the development will have on surrounding receptor locations, in addition to local Air Quality Management Areas. The assessment shall also identify mitigation measures which are required to maintain and where possible improve air quality in the vicinity of the development. The agreed mitigation measures shall be fully implemented within 6 months of the completion of the Phase to which they relate.
Reason: To ensure the development does not cause an unacceptable impact on local air quality which impacts on human health.
30. No work shall commence on any dwelling within the approved scheme until details of the number, location and means of allocation and control of off-road parking for the use of the residents of Wednesbury Street have been provided and have been approved in writing by the local planning authority. Thereafter the spaces shall be provided within 2 months of Wednesbury Street being opened up to vehicular through traffic. The spaces shall be retained and managed as agreed following their provision.
Reason: to ensure the off-street parking promised to the residents of Wednesbury Street at Paragraph 5.2 of the Statement of Community Consultation is provided.

NOTE TO APPLICANT

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

This decision notice is issued in respect of Planning Permission only and does not convey any decision which may be required under any other legislation or provisions, such as the Building Regulations. For advice on the requirements of the Building Regulations and allied legislation, and/or whether there is a need for a Building Regulations submission, please contact the Council's Building Control Section on 01633 414504 or 01633 414505 or email building.control@newport.gov.uk.

1. This decision relates to plan nos: 1659/02 SK017A (Scale), 1659/02 SK013A (Site Plan), 1659/02 SK018A (Location Plan), 1659/02 SK015A (Landscape and Public Realm), 1659/02 SK014A (Landuse and Approximate Locations), 1659/02 SK016A (Movement), 1659/02E (Illustrative Masterplan), 1659/02 SK019B (Phasing), S.7057-02 (Road Setting Out), S.7057-07A (Drainage Layout), S.7057-100 (Existing Site Survey), S.7057-105A (Offsite Drainage Section), S.7057-106A (Offsite Drainage Route), Newport Garden Village Design and Access Statement (July 2013), Loftus Garden Village Open Space and Ecological Provision (August 2013), SAAC.13.034 (Tree Survey & Constraints Plan), Planning Statement (Asbri Reference 10.235), S.7057-100 (Existing Site Survey), Tree Survey, Categorisation & Constraints Plan (July 2013), Travel Plan (April 2013), Statement of Community Consultation (July 2013), Noise Impact Assessment for Planning Purposes (Ref: 1109094R01), Urban Design Considerations regarding Noise Mitigation Options (1659/02/GJ, dated 26 June 2013), Site Investigation Report (10834/GNS/11/E), Outline Remediation Strategy Report (1034/GNS/11/RSR/B), Site Report and Management Plan for Control of Japanese Knotweed for Charter Housing Association, Report on Mains Drainage Proposals (June 2013), Flood Consequences Assessment (5074s/1870), Noise Impact Assessment for Proposed Residential Development to Support Planning Application (Ref: 1109094R02), Code for Sustainable Homes Pre-Assessment Report (25 June 2013), Transport Assessment (July 2013), Extended Phase 1 and Protected Species Survey Report (December 2012) & Survey Report for Reptiles (September 2013).
2. The development plan for Newport is the Newport Unitary Development Plan 1996 – 2011 (adopted May 2006). Policies SP1, SP2, SP10, SP11, SP17, SP24, U6, CE6, CE9, CE10, CE30, CE31, CE36, CE38, CE39, CE44, CE45, H1, H2, H5, T10, ED2, ED5, CF4, U3, U4, U5, U8 and U13 were relevant to the determination of this application.
3. This permission is subject to a legal agreement under section 106 of the Town and Country Planning Act 1990.
4. 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.
5. 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.

6. 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.
7. 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.
8. A programme of Knotweed eradication should be carried out on in order to ensure a nuisance plant is controlled.

The plans have been assessed on the basis of the scale or dimensions stipulated and any statement of 'do not scale' (or similar) has been disregarded.

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

Signed on behalf of the Council



Newport City Council
Regeneration & Regulatory Services
Civic Centre
NEWPORT
South Wales
NP20 4UR

Julie Vellucci
Head of Regeneration and Regulatory Services
Pennaeth Gwasanaethau Rheoli ac Adfywio

Application Number: 13/0713

Decision Date: 06-Feb-2014

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

Notes for Applicants

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Welsh Government

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

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

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

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

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

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

The Choice of Appeal Procedure

The appeal procedures available are:

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

Purchase Notices

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

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

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