

# Report



## Planning Site Inspection Sub-Committee

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### Part 1

Date: 13 November 2015

Item No: 4

**Subject** Planning Application Schedule – Site Visits

**Purpose** To make decisions on items presented on the attached Schedule.

**Author** Development Services Manager

**Ward** Lliswerry

**Summary** Attached is a Planning Application Schedule, detailing those applications cases requiring a site visit, as recommended by Planning Committee on 4<sup>th</sup> November 2015. The Planning Site Sub-Committee will visit the sites, listed in the attached schedule, on 12<sup>th</sup> November 2015 in order to gain a better understanding of the proposal/case so that a decision can be made.

**Proposal**

1. To visit the application case sites detailed in the attached Schedule.
2. To make decisions in respect of the Planning Applications Schedule attached.

**Action by** Planning Committee

**Timetable** Immediate

The Officer recommendations detailed in this report are made following consultation with local residents, Members and statutory consultees as set out in the Council's approved policy on planning consultation and in accordance with legal requirements.

## Protocol

1. A Planning Protocol for Planning Sub-Committee site visits was approved by Council on 08 April 2008 and amended in February 2013.
2. A Sub-Committee of the Planning Committee will be constituted for the purposes of undertaking site visits on behalf of the Planning Committee. It will be known as the Planning Site Sub-Committee.
3. The Planning Site Sub-Committee shall comprise of six named Councillors of the Planning Committee. Rules of political balance as set down in the Local Government and Housing Act 1989 will apply.
4. A site visit by the full Planning Committee may be undertaken in lieu of the Planning Site Sub-Committee if the scale or sensitivity of the development merits such consideration. The decision to undertake a full Planning Committee visit lies with that Committee.

## Purpose of Site Inspections

5. Site inspections by the Planning Site Sub-Committee or full Planning Committee will be undertaken for the following purposes:
  - fact find;
  - investigate specific issues raised in any request for a site inspection;
  - investigate issues arising from the Planning Committee presentation or discussion;
  - enable the Planning Site Sub-Committee to make decisions.

## Requests for Site Inspections

6. Any member of the Council may request that a planning application site be visited by the Planning Site Sub-Committee prior to the determination of that application. Such requests must be made in writing [e-mail is sufficient] to the named case officer dealing with the application or the Development Services Manager. Any such request must include specific reasons for the visit.
7. Applications subject to a request for a visit will be reported to the Planning Committee. The report will include details of the request and the reasons given. Planning Committee will decide, following a full presentation of the application, whether or not a site visits is necessary to inform the decision making process.
8. Where no request for a site visit has been made members of the Planning Committee may decide during consideration of an application that a site inspection would be beneficial. The reasons for the visit should be agreed and recorded as part of the minute of the meeting.
9. Occasionally there will be circumstances when timescales for determination will not allow site visits to be programmed in the normal way eg those related to telecommunications development. In such **exceptional circumstances**, at the discretion of the Chairman and Vice-Chairman of the Planning Committee, a site visit may be undertaken prior to the presentation of the matter to the Planning Committee. **As Members of the Sub-Committee will not have received a formal presentation on the application a recommendation cannot be given.** They will be able to report their findings of fact to the Planning Committee. Members should make their written request, with reasons, in the normal way. All other aspects of the protocol will apply.

## Attendance at Planning Site Sub-Committee Visits

10. Attendance at Planning Site Sub-Committee visits is to be restricted as follows:
  - Members of the Planning Site Sub-Committee;

- Relevant Officers;
- Ward Councillors;
- Single representative of the Community Council [if relevant];
- Applicant/Agent to allow access to the site;
- Neighbour/other Landowner [where access is required to make any assessment].

## **Representations at Planning Site Sub-Committee Visits**

11. A site visit is not an opportunity to lobby on an application. Accordingly, no representations may be made to the Planning Site Sub-Committee by any party. Members of the Sub-Committee may ask questions of those present to establish matters of fact and inform their consideration of the application.

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## **Background**

The reports contained in this schedule assess the proposed development or the unauthorised development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an Officer Recommendation.

The purpose of the attached reports and associated Officer presentation to the Committee is to allow the Planning Site Sub Committee to make a decision on each application in the attached schedule having weighed up the various material planning considerations.

The decisions made are expected to benefit the City and its communities by allowing good quality development in the right locations and resisting inappropriate or poor quality development in the wrong locations.

Applications can be granted subject to planning conditions. Conditions must meet all of the following criteria:

- Necessary;
- Relevant to planning legislation (i.e. a planning consideration);
- Relevant to the proposed development in question;
- Precise;
- Enforceable; and
- Reasonable in all other respects.

Applications can be granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). This secures planning obligations to offset the impacts of the proposed development. However, in order for these planning obligations to be lawful, they must meet all of the following criteria:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The applicant has a statutory right of appeal against the refusal of permission in most cases. There is no third party right of appeal against a decision.

Where formal action is taken, the recipient of the Notice has a statutory right of appeal in most cases. There is no third party right of appeal against a decision with the exception of High Hedge Remedial Notices. Appeals are normally lodged with the Planning Inspectorate at the Welsh Assembly Government, with the exception of Section 215 Unsightly Land Notices, for which appeals are heard by the Magistrates' Court. Non-compliance with a statutory Notice is a criminal offence against which prosecution proceedings may be sought. The maximum level of fine and/or sentence that can be imposed by the Courts depends upon the type of Notice issued.

Work is carried out by existing staff and there are no staffing issues. It is sometimes necessary to employ a Barrister to act on the Council's behalf in defending decisions at planning appeals. This cost is met by existing budgets. Where the Planning Committee or Planning Site Sub Committee refuses an application against Officer advice, Members will be required to assist in defending their decision at appeal.

Where applicable as planning considerations, specific issues relating to sustainability and environmental issues, equalities impact and crime prevention impact of each proposed development are addressed in the relevant report in the attached schedule.

#### **Financial Summary:**

The cost of determining planning applications, taking action, carrying out Committee site visits and defending decisions at any subsequent appeal is met by existing budgets and partially offset by statutory planning application fees. Costs can be awarded against the Council at an appeal if the Council has acted unreasonably and/or cannot defend its decisions. Similarly, costs can be awarded in the Council's favour if an appellant has acted unreasonably and/or cannot substantiate their grounds of appeal.

In the case of Section 215 Unsightly Land Notices, an appeal is lodged with the Magistrates' Court and the Council will seek to recover all its costs in relation to all such appeals.

In the case of Stop Notices, compensation can be awarded against the Council if it is demonstrated that the breach of planning control alleged has not occurred as a matter of fact, the breach is immune from action due to the passage of time, or the activities/development have already been granted planning permission.

#### **Risks:**

Four risks are identified in relating to the determination of planning applications by Planning Committee or Planning Site Sub Committee: decisions being overturned at appeal; appeals being lodged for failing to determine applications within the statutory time period; and judicial review.

An appeal can be lodged by the applicant if permission is refused or if conditions are imposed. Costs can be awarded against the Council if decisions cannot be defended as reasonable, or if it behaves unreasonably during the appeal process, for example by not submitting required documents within required timescales. Conversely, costs can be awarded in the Council's favour if the appellant cannot defend their argument or behaves unreasonably.

An appeal can also be lodged by the applicant if the application is not determined within the statutory time period. However, with the type of major development being presented to the Planning Committee, which often requires a Section 106 agreement, it is unlikely that the application will be determined within the statutory time period. Appeals against non-determination are rare due to the further delay in receiving an appeal decision: it is generally quicker for applicants to wait for the Planning Authority to determine the application. Costs could only be awarded against the Council if it is found to have acted unreasonably. Determination of an application would only be delayed for good reason, such as resolving an objection or negotiating improvements or Section 106 contributions, and so the risk of a costs award is low.

An appeal can be lodged by any recipient of a formal Notice, with the exception of a Breach of Condition Notice. Costs can be awarded against the Council if decisions cannot be defended as reasonable, or if it behaves unreasonably during the appeal process, for example by not submitting required documents within required timescales. Conversely, costs can be awarded in the Council's favour if the appellant cannot defend their argument or behaves unreasonably.

If a Stop Notice is issued, compensation can be awarded against the Council if it is demonstrated that the breach of planning control alleged has not occurred as a matter of fact, the breach is immune from action due to the passage of time, or the activities/development has already been granted planning permission. Legal advice is sought before taking such action, and a cost-benefit analysis is undertaken to fully assess the proposed course of action.

A decision can be challenged in the Courts via a judicial review where an interested party is dissatisfied with the way the planning system has worked or how a Council has made a planning decision. A judicial review can be lodged if a decision has been made without taking into account a relevant planning consideration, if a decision is made taking into account an irrelevant consideration, or if the decision is irrational or perverse. If the Council loses the judicial review, it is at risk of having to pay the claimant's full costs in bringing the challenge, in addition to the Council's own costs in defending its decision. In the event of a successful challenge, the planning permission would normally be quashed and remitted back to the Council for reconsideration. If the Council wins, its costs would normally be met by the claimant who brought the unsuccessful challenge. Defending judicial reviews involves considerable officer time, legal advice, and instructing a barrister, and is a very expensive process. In addition to the financial implications, the Council's reputation may be harmed.

Mitigation measures to reduce risk are detailed in the table below. The probability of these risks occurring is considered to be low due to the mitigation measures, however the costs associated with a public inquiry and judicial review can be high.

| Risk  | Impact of Risk if it occurs* (H/M/L) | Probability of risk occurring (H/M/L) | What is the Council doing or what has it done to avoid the risk or reduce its effect   | Who is responsible for dealing with the risk?  |
|---|--------------------------------------|---------------------------------------|--|--|
| Decisions challenged at appeal and costs awarded against the Council.           | M                                    | L                                     | <p>Ensure reasons for refusal or reasons for taking action can be defended at appeal.</p> <p>Ensure planning conditions imposed meet the tests set out in Circular 35/95.</p> <p>Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.</p> | <p>Planning Committee</p> <p>Planning Committee</p> <p>Development Services Manager and Senior Legal Officer</p> |
| Appeal lodged against non-determination, with costs awarded against the Council | M                                    | L                                     | Avoid delaying the determination of applications unreasonably.   | Development Services Manager   |
| Judicial review successful with costs awarded against the Council               | H                                    | L                                     | Ensure sound and rational decisions are made.  | <p>Planning Committee</p> <p>Development Services Manager</p>  |
| Compensation awarded in relation to a Stop Notice                               | M                                    | L                                     | Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.  | Development Services Manager and Senior Legal Officer  |

\* Taking account of proposed mitigation measures

## Links to Council Policies and Priorities

The Council's Corporate Plan 2012-2017 identifies five corporate aims: being a Caring City; a Fairer City; A Learning and Working City; A Greener and Healthier City; and a Safer City. Key priority outcomes include ensuring people live in sustainable communities; enabling people to lead independent lives; ensuring decisions are fair; improving the life-chances of children and young people; creating a strong and confident local economy; improving the attractiveness of the City; promoting environmental sustainability; ensuring people live in safe and inclusive communities; and making Newport a vibrant and welcoming place to visit and enjoy.

Through development management decisions, good quality development is encouraged and the wrong development in the wrong places is resisted. Planning decisions can therefore contribute directly and indirectly to these priority outcomes by helping to deliver sustainable communities and affordable housing; allowing adaptations to allow people to remain in their homes; improving energy efficiency standards; securing appropriate Planning Contributions to offset the demands of new development to enable the expansion and improvement of our schools and leisure facilities; enabling economic recovery, tourism and job creation; tackling dangerous structures and unsightly land and buildings; bringing empty properties back into use; and ensuring high quality 'place-making'.

The Corporate Plan links to other strategies and plans, the main ones being:

- Single Integrated Plan;
- Local Development Plan 2011-2026 (Adopted January 2015);

The Newport Single Integrated Plan (SIP) is the defining statement of strategic planning intent for the next 3 years. It identifies key priorities for improving the City. Its vision is: "*Working together to create a proud and prosperous City with opportunities for all*"

The Single Integrated Plan has six priority themes, which are:

- Skills and Work
- Economic Opportunity
- Health and Wellbeing
- Safe and Cohesive Communities
- City Centre
- Alcohol and Substance Misuse

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 all planning applications must be determined in accordance with the Newport Unitary Development Plan (Adopted May 2006) unless material considerations indicate otherwise. Planning decisions are therefore based primarily on this core Council policy.

### Options available

- 1) To determine applications in accordance with the Officer recommendation (with amendments to or additional conditions or reasons for refusal if appropriate);
- 2) To determine that applications be granted or refused against the Officer recommendation (in which case the Site Inspection Sub-Committee's recommendation and reasoning should be clearly minuted);

With regards to cases:

- 1) To determine that action is taken (or no further action is taken) in accordance with the Officer recommendation (with amendments to or additional requirements or reasons for taking formal action if appropriate);
- 2) To determine that a different course of action be taken to that recommended by Officers (in which case the Site Inspection Sub-Committee's recommendation and reasoning should be clearly minuted).

## **Comments of Chief Financial Officer**

In the normal course of events, there should be no specific financial implications arising from the determination of planning applications.

There is always a risk of a planning decision being challenged at appeal. This is especially the case where the Committee makes a decision contrary to the advice of Planning Officers or where in making its decision, the Committee takes into account matters which are not relevant planning considerations. These costs can be very considerable, especially where the planning application concerned is large or complex or the appeal process is likely to be protracted.

Members of the Planning Committee should be mindful that the costs of defending appeals and any award of costs against the Council following a successful appeal must be met by the taxpayers of Newport.

There is no provision in the Council's budget for such costs and as such, compensating savings in services would be required to offset any such costs that were incurred as a result of a successful appeal.

## **Comments of Monitoring Officer**

Planning Committee are required to have regard to the Officer advice and recommendations set out in the Application Schedule, the relevant planning policy context and all other material planning considerations. If Members are minded not to accept the Officer recommendation, then they must have sustainable planning reasons for their decisions.

### **Local issues**

Ward Members were notified of planning applications in accordance with the Council's adopted policy on planning consultation. Any comments made regarding a specific planning application are recorded in the report in the attached schedule

## **Equalities Impact Assessment**

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act 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. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that 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.

An Equality Impact Assessment for delivery of the Development Management service has been completed and can be viewed on the Council's website.

## **Children and Families (Wales) Measure**

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

## **Consultation**

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

## **Background Papers**

### **NATIONAL POLICY**

Planning Policy Wales (PPW) Edition 7 (July 2014)

Minerals Planning Policy Wales (December 2000)

#### *PPW Technical Advice Notes (TAN):*

- TAN 1: Joint Housing Land Availability Studies (2006)
- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Town Centres (1996)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 6: Planning for Sustainable Rural Communities (2010)
- TAN 7: Outdoor Advertisement Control (1996)
- TAN 8: Renewable Energy (2005)
- TAN 9: Enforcement of Planning Control (1997)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2014)
- TAN 13: Tourism (1997)
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: The Welsh Language: Unitary Development Plans and Planning Control (2013)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)

Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)

Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)

Welsh Government Circular 016/2014 on planning conditions

### **LOCAL POLICY**

Newport Local Development Plan (LDP) 2011-2026 (Adopted January 2015)

#### Supplementary Planning Guidance (SPGs):

- Affordable Housing (adopted August 2015)
- Archaeology & Archaeologically Sensitive Areas (adopted August 2015)
- Flat Conversions (adopted August 2015)
- House Extensions and Domestic Outbuildings (adopted August 2015)
- Houses in Multiple Occupation (HMOs) (adopted August 2015)
- New dwellings (adopted August 2015)
- Parking Standards (adopted August 2015)
- Planning Obligations (adopted August 2015)
- Security Measures for Shop Fronts and Commercial Premises (adopted August 2015)
- Wildlife and Development (adopted August 2015)



## **OTHER**

The Colliers International Retail Study (July 2010) is not adopted policy but is a material consideration in making planning decisions.

The Economic Development Strategy is a material planning consideration.

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.

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended by the Town and Country Planning (Environmental Impact Assessment) (Amendment) (Wales) Regulations 2008 are relevant to the recommendations made.

Other documents and plans relevant to specific planning applications are detailed at the end of each application report in the attached schedule

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# Planning Application Schedule

## APPLICATION DETAILS

No: 14/1283 Ward: LLISWERRY  
Type: FULL (MAJOR)  
Expiry Date: 14-MAY-2015  
Applicant: TAYLOR WIMPEY  
Site: LYSAGHT DEVELOPMENT SITE, LYSAGHT WAY, NEWPORT  
Proposal: CONSTRUCTION OF BUILDING CONTAINING 16NO. APARTMENTS AND ASSOCIATED WORKS

Recommendation: GRANTED WITH CONDITIONS

### 1. INTRODUCTION

- 1.1 This application seeks consent for the construction of 16 apartments and associated works at the Lysaght development site in the Lliswerry ward. The site is situated within the south-western corner of the wider Lysaght site with the Orb Electrical Steel Industrial Site to the south and the riverbank to the north-west. To the north, east and south-east the Lysaght site has already been developed and the application site is surrounded by residential development which has been occupied for some time.
- 1.2 The site occupies a prominent riverside location and the application must give appropriate consideration to this location. It should be noted that during the course of the application amended plans have been received and the number of parking spaces proposed has been increased from 16 to 36.
- 1.3 The site is located within the settlement boundaries and is allocated as a housing site within the Local Development Plan.

### 2. RELEVANT SITE HISTORY

|         |  |                         |
|---------|--|-------------------------|
| 05/1554 | REDEVELOPMENT OF LAND FOR RESIDENTIAL DEVELOPMENT INCLUDING OPEN SPACE, LANDSCAPING AND ROADS AND PATHS (OUTLINE)  | Granted with Conditions |
| 08/0565 | RESIDENTIAL DEVELOPMENT COMPRISING 563 DWELLING UNITS - RESERVED MATTERS APPLICATION RELATING TO OUTLINE PERMISSION 05/1554 FOR REDEVELOPMENT OF LAND FOR RESIDENTIAL DEVELOPMENT INCLUDING OPEN SPACE, LANDSCAPING, ROADS AND PATHS | Granted with Conditions |

### 3. POLICY CONTEXT

- 3.1 **Newport Local Development Plan –**  
SP1 Sustainability: seeks to ensure the development takes into account sustainable development principles.  
SP3 Flood Risk: There is a need to locate development outside of flood risk. Where a proposed site such as this is located partly in flood risk the consequence of flooding must be investigated and justified.

SP13 Planning Obligations: Proposals of this scale will be required to provide or make contributions to infrastructure.

GP1 General Development Principles – Climate Change: This policy seeks to ensure that the development is to withstand climate change over the lifetime of the development.

GP2 General Development Principles – General Amenity: There is to be no significant adverse effect on the amenity of the existing or new community.

GP3 General Development Principles – Services Infrastructure: This policy requires justification as to the suitability of the service infrastructure required by the proposal e.g. sewerage.

GP4 General Development Principles – Highways and Accessibility: The proposal must not detrimentally affect the highway capacity. There must be adequate public access and any new roads must be compliant with the Councils design scheme.

GP5 General Development Principles – Natural Environment.

GP6 General Development Principles – Quality of Design: All new development must ensure that they are to achieve good quality design. This is ensuring that the proposal creates a safe, accessible and attractive environment taking into account the context, scale and materials of the design.

GP7 General Development Principles – Environmental Protection and Public Health: This policy seeks to ensure that there is no unacceptable harm to health from a development.

H1 Housing Sites: The proposed development has been allocated within the LDP as a housing site. The site will therefore be supported as to its ability to fulfil part of the housing supply for the plan period.

H2 Housing Standards: Housing developments will be required to be built to high standards of environmental and sustainable design.

H3 Housing Mix and Density.

H4 Affordable Housing: This policy requires sites of 10 or more units to provide on-site affordable housing provision.

T4 Parking: This policy requires adequate level of parking to ensure there is no detrimental impact on the new site or existing community.

#### **4. CONSULTATIONS**

4.1 DWR CYMRU – WELSH WATER: No response.

4.2 NEWPORT ACCESS GROUP: No response.

4.3 WALES AND WEST UTILITIES: Provide details of their apparatus in the area and offer no objection.

4.4 NATURAL RESOURCES WALES: The application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, which is a designated main river. The planning application proposes housing (highly vulnerable development) on previously developed land within a flood risk area. Section 6 of TAN15 requires the Authority to determine whether the development at this location is justified.

NRW have reviewed the FCA produced by Opus, submitted in support of the application and note that the FCA recommends that proposed ground floor levels will be raised to 10.0m AOD. Based on a proposed ground floor level of 10.0m AOD the development is shown to be flood free during a 1 in 200 year flood event including a 100 year lifetime of development in accordance with TAN15. The development is also designed to be flood free during the current day 1 in 1000 year extreme flood event. It should be noted that the FCA has not assessed the risks and consequences of flooding during a 1 in 1000 year flood event including an allowance for climate change.

NRW agree with the recommendation of the FCA that occupiers should sign up to a flood warning system. Having reviewed the information NRW offer no objection to the development. It has been established that the proposed floor levels of the ground floor will comply with the requirements of TAN 15.

NRW wish to be assured that conditions attached to the original planning permission (08/0565) for the residential development of 563 dwellings which were included to maintain the ecological interests of the River Usk SAC and River Usk SSSI are included in any new planning permission.

- 4.5 ARCHITECTURAL LIAISON OFFICER: Offers no objections to the application.
- 4.6 WESTERN POWER DISTRIBUTION: Provide details of apparatus in the area. Safe working procedures should be practiced.
- 4.7 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: Offer no objection to the proposals.

## 5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): The proposal consists of 16no. 2 bed apartments which in accordance with the Newport City Council Parking Standards 2012 generate a parking demand of 32 resident parking spaces plus 3 visitor spaces. It was evident from a recent site visit that there is a demand for parking on street. It is not clear exactly what factors are leading to this demand. However, I would suggest that it is a combination of insufficient levels and use of the off street parking availability. On street parking is clearly an issue in the vicinity of the site and therefore must be taken as a material consideration as part of this current application. The applicant has been unable to produce a sustainability assessment to justify a reduction in parking provision.

As such the applicant has submitted a layout with 36 spaces. The layout includes tandem parking which is acceptable subject to the 2 spaces being allocated to an individual unit. On the basis of the revised parking layout no objection is offered.

- 5.2 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY OFFICER): Does not object to the application. Recommends that the relevant conditions with regards to the River Usk SAC and SSSI be attached to any planning permission. These are to include no night time working and no lighting to be shone onto the river bank.
- 5.3 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPE OFFICER): Confirms the proposals are considered to be acceptable and no objection is offered.
- 5.4 PUBLIC PROTECTION MANAGER (NOISE AND POLLUTION): No objections are offered to the amended plans. However, suitable conditions should be attached to any permission granted to require that windows serving north western/south western facades nearest Orb are sealed shut i.e. the side elevation with windows serving living rooms and the rear elevation with windows serving bedrooms of the 4 apartments nearest the industrial site. In addition, a condition should be attached requiring submission of details of glazing and ventilation measures for the above apartments and for the remaining 12 apartments, prior to commencement of development. Additionally, a Construction and Environmental Management plan should be submitted for approval prior to commencement of development. The CEMP should detail means of noise and dust mitigation during construction.  
Requests a condition relating to contaminated land.
- 5.5 HEAD OF REGENERATION, INVESTMENT AND HOUSING (PLANNING CONTRIBUTIONS MANAGER): The development does not represent a net increase to the overall housing numbers approved by the original outline planning approval. As such no further planning obligations are requested.

## 6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (370no dwellings in total), and a site notice was displayed. 20no responses were received in response to the first round of consultations raising the following objections:
  - Parking in the area is already over-subscribed and the proposals would make this even worse;
  - The increased traffic and indiscriminate parking would make it dangerous for children who play in the area;

- The proposals would decrease privacy for existing residents and increase noise and disturbance;
- The proposals would be detrimental to the 'charm' of the area;
- There is a lack of green space within the Lysaght site and this site should be a play area for children;
- The proposals represent over-development and are likely to increase tension between neighbours and lead to a poor social environment;
- Residents were not informed by Taylor Wimpey that they were considering building 16 two bedroom apartments on the site;
- It is unclear whether the apartments will be private or social housing;
- The access to the entire site is an issue, with roads being narrowed by cars double parking all through the site, narrow bends with cars parking on the bends, large pot holes – excavation equipment and vehicles accessing the site all day;
- Should this application be given the go ahead it is unclear how Taylor Wimpey are planning on accessing the site to commence the construction. It must not be through the access point that the homeowners currently use, that residents are liable for the maintenance of;
- Question whether the new owners of the apartments will be made liable for the increase in wear and tear of the paved access, curbs, drainage etc. – as per the current owner's deeds;
- The plan shows parking spaces for 16 cars based on 16 apartments. This is on the assumption that there is one vehicle per apartment. However in today's modern life and the market for this kind of accommodation, the reality could be an increase of 32 cars in addition to the 32 plus vehicles currently in the courtyard. Question where the additional cars are going to be parked,
- There is no provision for disabled parking;
- Bin stores are a fire hazard as can be seen previously when they have been set alight at Lysaght Village. The rules and requirements set out by Taylor Wimpey regarding the use of bin stores are never adhered to;
- The building would impact on natural light and would result in loss of view over the river;
- The proposed development is out of keeping with surrounding development and the character of the courtyard;
- Apartments (as opposed to housing) at this site will reduce neighbouring property value;
- It will be problematic for Council waste collections which in turn will mean rubbish piling up and encourage vermin;
- The proposals would result in overlooking;
- The proposals would result in increased noise pollution;
- The proposals would result in loss of light and view;
- Emergency vehicles may not be able to access the courtyard due to indiscriminate parking;
- The developers should provide a management plan for the apartments to cover refuse collection including the monitoring of the use of the bin stores, car parking issues, drying of clothes, general cleaning of external areas and maintenance of garden areas;
- Any external lighting should not create a nuisance to adjacent properties;
- Question whether there will be any additional safety provisions introduced along the riverbank to protect any children playing in the area;
- Question whether the conditions of the original Legal Agreement have been amended and the developers contributions to education and leisure provisions been increased to cover the additional demands on the Council services. Schools in the locality are oversubscribed prior to the erection of the additional units;
- Question whether the primary-care units in the locality able to register additional patients;
- The developer must consider site security, vehicle and delivery traffic controls, noise, dust and general littering of the construction site, cleanliness of the roads and footpaths, parking of contractor's vehicles and protection of resident's property and vehicles during construction;
- Access to the site during construction would be a health and safety hazard;
- The siting of the bin store next to the boundary of a neighbouring property will result in smells and hygiene issues;

-The bin store will attract fly-tipping;

7no responses received following a second round of consultations due to an amended parking layout. Much of the content of the responses reiterated previous concerns and confirmed that objections were still held. In addition to this neighbours have raised the following concerns:

-The developers have shown details of refuse lorry movements but this may not be possible due to indiscriminate parking in the area;

-Question whether the developer has provided a management plan to cover the apartments and refuse collection, car parking issues, drying of cloths, general cleaning and maintenance;

-Any external lighting, if provided, within the curtilage of the apartments should not create a nuisance to adjacent properties;

-There is inadequate play provision for children in the area;

-The revised parking layout does not address the volume of traffic which uses the access point;

-Question whether the developer will sell-off the visitor parking spaces;

-Concerns are raised about the accessibility of some of the proposed parking spaces;

-There are no disabled parking spaces and no lift within the apartment block;

-Highways comments are contradictory as it was initially stated that the access is too small and a footpath is required;

-Mixing people with moving vehicles is an accident waiting to happen and there have already been close calls;

-The amount of people will double but the access size will remain the same;

-Vehicles currently have to reverse along the access and this situation will be exacerbated;

-Double parking has been reported to Taylor Wimpey and the Police but they can only offer advice as it is privately owned;

-As there are no double yellow lines people are able to park both sides of the access without breaking the law;

-The pavement is not raised and is only marked by a different coloured block, therefore people do not adhere to it being a 'pavement' and it does not prevent people from parking there.

6.2 COUNCILLORS CRITCHLEY, JEAVONS AND MORRIS: Have shown an interest in the application and have expressed concerns. Councillor Jevons wishes Committee to consider the very limited access/egress to the proposed site and insufficient parking facilities for the new build associated with the 16no apartment's along side Kingfisher Walk.

## 7. ASSESSMENT

7.1 As stated above the wider Lysaghts site is largely developed or is currently being developed and the application site is neighboured by residential development to the north-east and south-east. A four storey apartment block is proposed with a parking court providing 36no parking spaces to the rear. The apartment building would face the waterfront, its front elevation being set back approximately 8m from the riverbank with the riverside walkway situated between the building and the river. The main entrance lobby to the building would be to the rear elevation. A cycle and bin store is also proposed to the rear of the apartment building situated adjacent to the rear gardens of neighbouring properties.

7.2 The building would measure 10m in height to the eaves and 14.5m to the ridge. The building would have a mixed render and red brick finish with dark roof tiles. The front and rear elevations of the building would incorporate gable features. The front elevation facing the river would have balconies to the first, second and third floors. No windows are proposed in the side elevation facing the Orb Works site. The internal layouts of all of the flats would be similar with entrance halls, two bedrooms, a bathroom and a combined kitchen/dining and living room area. The

bin/cycle store would measure 8.5m in length, 4.5m in depth and 4.5m in height and would be constructed with brick walls and concrete roof tiles. It would be located adjacent to the rear boundaries of two neighbouring properties separated from the apartment building by parking and associated hard-standing. To the front of the building adjacent to the riverfront 1m high black powder coated railings are proposed in keeping with existing neighbouring development.

7.3 Located in the eastern corner of the the Lysaght site behind previously developed parts of the site, vehicle access is gained from one of the main estate distributor roads between plots 158 to 161. Much concern has arisen from neighbours about the suitability of the access and its ability to cope safely with increased traffic.

7.4 A vacant strip of land exists between the Lysaght site and the Orb site to the south with the purpose of maintaining an adequate separation distance between the industrial use and residential development. In order to provide a greater number of parking spaces, this scheme includes the use of some of this strip of land for parking provision. Planning permission exists for the erection of an acoustic fence between the two sites but is yet to be implemented.

### 7.5 ***Planning History***

The site does not benefit from an extant planning permission. Contrary to the understanding of some of the neighbouring residents, the only permission that this part of the Lysaght site has previously benefitted from was for the erection of an apartment building, albeit with a different layout to the building now proposed although it was of a similar scale. The site has never had permission for houses. The apartment building was consented under application no. 08/0565 which was relinquished on this part of the site via a Section 106 Legal Agreement attached to an application for the replan proposal in 2011. However, the fact that the Council has previously consented an apartment building at the site is a material consideration that must be given due weight. The Council would not permit housing within this part of the site. This stance is due to the site's proximity to the Orb works and the noise generated by the neighbouring works that would not be compatible with outdoor amenity space (which houses would be served by unlike apartments). The Council has previously refused planning permission for houses at another part of the site within the same proximity to the Orb works. This decision was upheld at appeal.

7.6 Several revisions have been received during the course of the application relating to the design of the façade of the apartment building, at the request of officers in order to ensure that a suitable quality of design is achieved to reflect the prominent location.

### 7.7 ***Highways***

The Council's Parking Standards are relevant to the proposals. Based on the standards the development generates a parking demand of 35 resident parking spaces (one space per bedroom) plus 3 visitor spaces. The initial layout only proposed 16no parking spaces. The revised layout provides 36no parking spaces.

7.8 Much of the concerns raised by neighbouring residents in response to the application have centred around a lack of parking provision in the vicinity and indeed the wider estate. It was evident during officer site visits that there is a high demand for parking on-street in the vicinity with factors such as indiscriminate parking and insufficient levels of existing parking contributing to this. In view of this and the inability of the applicant to justify a reduction in parking provision by way of a Sustainability Assessment, officers advised that maximum parking provision must be provided.

7.9 Consequently a revised parking layout has been provided showing 36no parking spaces. The parking layout shows spaces provided to the side and rear of the apartment building, tandem parking along the south eastern boundary of the site and two spaces to the north side elevation of the building. The applicant has also submitted track test details demonstrating the accessibility

of the site by refuse vehicles. The Head of Streetscene and City Services (Highways) confirms the spaces are fully accessible and no objection is offered to the proposals on this basis.

7.10 Neighbouring residents have described how vehicles are often parked inconsiderately so that they partly obstruct access to this part of the estate making what should be a two way access only passable by one vehicle at a time. Concerns have been raised that in such circumstances emergency vehicles or refuse vehicles may not be able to access the site. However, this is an existing situation which, as witnessed by several Council officers on different occasions, in part occurs as a result the inefficient use of off-road spaces.

7.11 In response to these points Highways Officers have commented as follows:

- A carriageway width of 4.6m is considered sufficient to accommodate two way traffic flows. Whilst the development will increase traffic movements along its length, under normal circumstances vehicles should not have to carry out reversing manoeuvres within the highway. The narrowness of the carriageway should also encourage lower vehicle speeds along the shared access. Whilst the access does not benefit from standard raised footways resulting in a more shared surface scenario. By design this will again encourage lower vehicle speeds as drivers should be more aware of the potential for pedestrian to be sharing the highway;
- The shared access is surfaced with block paviers and will also eventually benefit from a rumble strip which will highlight to drivers the change in situation from the existing spinal road;
- If vehicles are parking along the access road and obstructing the highway then the police should be contacted;
- Refuse vehicles already have to access this area to serve the existing properties. If parked vehicles are preventing this then this is something that the Council can address to Taylor Wimpey to look at as part the adoption agreement for the development. A swept path analysis has been previously submitted which demonstrates that a refuse vehicle can access this part of the site and also turn to allow access and egress of the spinal road in a forward gear;
- Visibility at the access is considered to be sufficient;
- In terms of disabled parking, there are no specific requirements for residential properties in accordance with current standards.

#### 7.12 ***Neighbouring Privacy/Amenity***

The apartment building would have a satisfactory relationship with neighbouring properties with a distance of 18m between the side elevation of the building and the front elevations of the neighbouring three storey town houses and 17m between the rear elevation of the building and the rear boundary of the nearest property to the south-east (over 25m window to window). Windows are proposed in the side elevation of the apartment building facing the neighbouring town houses and as this distance would be less than 21m which is widely accepted in planning terms as a suitable window-to-window separation distance, it is considered necessary to impose a condition requiring these windows to be obscure glazed and fixed shut in the interests of neighbouring amenity. These windows are all secondary windows, with the rooms being served by other larger windows.

7.13 The internal layouts of the flats are considered to be spacious and would offer a good standard of amenity to future occupiers.

7.14 Objections have been received from neighbouring residents in relation to the proposed bin and cycle store. The concerns relate to the storage of waste and the store being a potential fire hazard. Refuse collection for the site would be in keeping with that across the City with waste collected fortnightly and recycling once a week. Between these times waste would be securely stored in bins as is usual practice for residential living and this arrangement is considered to be acceptable. Environmental Health Officers have been consulted and offer no objections in response to the proposed refuse arrangements. In terms of fire hazard, being in a populated residential area with natural surveillance from several properties including the apartments themselves, the likelihood of the bin store being set alight is considered to be reduced. Whilst



there is potential for the bin store to be set alight, this is a criminal offence and a matter for the police. The Police Architectural Liaison Officer has raised no objections to the proposals. In terms of the visual impact of the store, the roof of the store has been designed so that it would hip away from neighbouring properties and with an overall height of 4.5m it is not considered that the store would have an overbearing impact to neighbouring occupants.

7.15 Neighbours have referred to the lack of safe play areas for children within the estate. As part of the original outline planning permission for the wider Lysaght site the area of land to the north-east known as Monkey Island was sold to the Council for a nominal sum for the purpose of public open space. This area has also been subject to ecological enhancement. This island is not yet open to public access as such access is restricted by a Unilateral Undertaking attached to the original Outline planning permission for the site.

#### 7.16 **Flooding**

The application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, which is a designated main river. The planning application proposes housing (highly vulnerable development) on previously developed land within a flood risk area. Section 6 of TAN15 requires the Authority to determine whether the development at this location is justified.

7.17 As part of this justification the applicant has submitted a flood consequence assessment (FCA). NRW have reviewed the FCA and note that it recommends that proposed ground floor levels will be raised to 10.0m AOD. Based on a proposed ground floor level of 10.0m AOD the development is shown to be flood free during a 1 in 200 year flood event including a 100 year lifetime of development in accordance with TAN15. The development is also designed to be flood free during the current day 1 in 1000 year extreme flood event.

7.18 NRW agree with the recommendation of the FCA that occupiers should sign up to a flood warning system. Having reviewed the information NRW offer no objection to the development. It has been established that the proposed floor levels of the ground floor will comply with the requirements of TAN 15.

7.19 The applicant has submitted details of existing and proposed site levels. In order to ensure that the ground floor levels are raised to 10.0m AOD the apartment building would be raised in comparison to the surrounding development. The existing level of the site is around 9m AOD. Surrounding land levels vary to an extent with the adjacent town houses being 9.250m AOD and the rear of the site being 8.950m AOD. It is considered that there are sufficient distances between the proposed apartment building and the existing neighbouring buildings to ensure that despite the raising up of the apartment building, there would not be a detrimental impact to neighbouring amenity, or the visual amenity of the area.

7.20 In view of the fact that development in this location is considered to be justified in accordance with the aims and objectives of the Newport Local Development Plan and as NRW have confirmed that the development would be flood free for its lifetime and offer no objection to the proposals, the application is considered to be acceptable in terms of flooding.

#### 7.21 **Noise**

With regards to noise and vibration from the Orb site, an assessment has been provided with the application. The Public Protection Manager confirms that no objections are offered to the proposals, provided a suitable condition is attached to any permission granted, requiring the mitigation measures identified within the noise assessment submitted with this application to be installed prior to occupation of the apartments. In addition to the measures identified within the assessment, the rear habitable room windows serving the four flats to the south-western end of

the apartment block (nearest the Orb site) must be sealed units i.e. non openable. This equates to four bedroom windows and is required in order to ensure that the amenity of the future occupiers of these apartments is protected. These rooms will be required to have an alternative method of ventilation.

#### 7.22 **Ecology**

An Appropriate Assessment was undertaken as part of the outline application for the development of the wider site. Whilst the site is located adjacent to the River Usk SAC and SSSI, the considerations have not altered since the Appropriate Assessment was undertaken and it is not considered necessary carry out another one.

7.23 The Council's Ecology Officer confirms no objections are offered to the proposals but due to the sites proximity to the River Usk SAC and SSSI, suitable conditions should be attached to any planning permission to include no night time working and no lighting in the direction of the river.

7.24 NRW has stated that they wish to be assured that conditions attached to the original planning permission (08/0565) for the residential development of 563 dwellings which were included to maintain the ecological interests of the River Usk SAC and River Usk SSSI are included in any new planning permission granted. Conditions requiring a Construction Environmental Management Plan (CEMP) and further landscaping details are recommended to be imposed should planning permission be forthcoming.

#### 7.25 **Financial Contributions**

The development does not represent a net increase to the overall housing numbers approved by the original outline planning approval that covered the site. As such, no further planning obligations are requested.

#### 7.26 **Other matters**

With regard to objections on the basis of loss of view and impact on property value, it should be noted that neither of these are material planning considerations. Some neighbours have raised concerns about the impact of the proposals in terms of wear and tear on the access which they claim is in their ownership. Land/property ownership and any damage to private property is a Civil matter and has no weight on planning decisions.

### 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.

8.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

## 9. CONCLUSION

9.1 The proposed development is considered to be acceptable in terms of scale and design, impact on neighbours and in highway safety terms.

9.2 It is in accordance with the aims of the LDP, therefore it is recommended that planning permission is granted subject to the following conditions.

## 10. RECOMMENDATION

### GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: 0290-2303 Revision I, 0290-104-15 Revision E, 0290-2300-15 Revision F, 0290-200-15 Revision E, 0290-201-15 Revision D, 0290-202-15 Revision C, 0290-203-15 Revision D, 0290-204-15 Revision C, 0290-205-15 Revision C, 0290-206-15 Revision C.

Reason: To ensure the development complies with the submitted plans and documents on which this decision was based.

### *Pre- commencement conditions*

02 Prior to the commencement of development, full details of glazing and ventilation measures for the units hereby approved shall be submitted to the Local Planning Authority and written approval received. The development shall be carried out in accordance with the approved details. Reason: In the interest of the amenity of the future occupants of those apartments and to ensure they are adequately ventilated.

02 No work shall be commenced on the construction of the building hereby approved until details/samples of materials and finishes to be used on the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out using the approved materials.

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

03 Notwithstanding the details previously submitted, no development, shall commence until a scheme of landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs) has been submitted to the Local Planning Authority and written approval received. The approved scheme 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 that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs 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.

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.

04 No development, shall commence until details and plans showing the finished slab level of the building(s) hereby approved, together with cross sections through the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of visual amenities.

05 Prior to the commencement of development, full details of the means of surface water drainage disposal to serve the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and the surface water drainage shall be retained permanently in this state thereafter.  
Reason: In order to ensure that the site can be adequately drained and to prevent overloading of the public sewerage system.

06 Notwithstanding the details submitted, prior to the commencement of development hereby approved full details of the proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The boundary treatments shall be constructed in accordance with the approved details prior to the first occupation of the associated apartments and retained in that state thereafter.  
Reason: To ensure the development is completed in a satisfactory manner.

07 No development, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following during development:

- dust suppression measures, having regard to BRE guide 'Control of Dust from construction and Demolition Activities;
- noise mitigation measures;
- details of temporary lighting;
- details of enclosure of working areas;
- a drainage strategy to operate setting out controls of contamination, including controls to surface water run-off, water pumping, storage of fuels and hazardous materials, spill response plans and pollution control measures;
- pollution prevention and contingency measures.

Development works shall be implemented in accordance with the approved CEMP.  
Reason: To protect the amenities of nearby residents and in the interests of ecology including European protected species and in the interest of safeguarding the features of the Severn Estuary European sites and SSSI and the River Usk SAC.

08 Prior to the commencement of development an appropriate intrusive Site Investigation report to (BS10175/2011), shall be submitted and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, a remediation strategy, including a Method Statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be occupied until:

- a) Following remediation a Completion/Verification Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.
- b) Any additional unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

### ***Pre –occupation conditions***

09 Prior to first occupation of any of the apartments hereby approved, full details of any external lighting shall be submitted to the Local Planning Authority and written approval received. The development shall be carried out fully in accordance with the approved details.  
Reason: In the interest of safeguarding the special features of the Severn Estuary European sites and SSSI and the River Usk SAC.

10 The finished floor levels of the building hereby approved shall be set no lower than 10.0 metres above Ordnance Datum (AOD) (Newlyn).

Reason: To reduce the risk of flooding to the proposed development and future occupants.

11 Prior to first occupation of any of the apartments hereby approved the parking provision shall be provided strictly in accordance with the details shown on the approved plans and shall be fully demarcated, kept free of obstruction(s) and then maintained in such a state thereafter.

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

12 Prior to first occupation of any of the apartments hereby approved the mitigation measures identified within the noise assessment submitted with the application NM/100789/R1 March 2015 shall be installed and shall remain in perpetuity.

Reason: In the interests of the amenity of the future occupiers.

13 Prior to first occupation of any of the apartments hereby approved the windows to the rear and south side elevations serving the four flats to the southern end of the apartment block must be sealed shut and non openable and shall remain thus in perpetuity.

Reason: In the interests of the amenity of the future occupiers.

### ***General conditions***

14 All windows in the north-side elevation of the apartment building hereby permitted shall be obscure glazed and fixed shut at the time of installation and shall be maintained in that state in perpetuity. No windows other than those shown in the approved plans shall be installed in this elevation.

Reason: In the interests of neighbouring privacy and amenity.

14 Foul water and surface water discharges shall be drained separately from the site, no surface water or land drainage run-off shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the integrity and to prevent hydraulic overloading of the public sewerage system and to protect the health and safety of existing residents and ensure no detriment to the environment.

15 No external works relating to the development hereby approved development shall take place outside of daylight hours.

Reasons: In the interests of safeguarding the special features of the River Usk SAC.

16 No external lighting shall be shone directly onto the riverbank.

Reason: In the interests of safeguarding the special features of the River Usk SAC.

### ***NOTE TO APPLICANT***

01 The following plans and documents were relevant to the determination of the application: 0290-105-15 Revision D, 0290-108-15- Revision E, 0290-108 Revision Y, Noise Assessment NM/100789/R1 March 2015, Flood Consequence Assessment.

02 The development plan covering Newport is the Newport Local Development Plan 2011-2026 (Adopted January 2015). Policies SP1, SP3, SP13, GP1, GP2, GP3, GP4, GP5, GP6, GP7, H1, H2, H3, H4 and T4 were relevant to the determination of the application.'

03 The developer is advised that if a connection is required to the public sewerage system, they must contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

04 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.

05 Prior to the commencement of the development hereby approved, the developer should contact the Council's Spatial Data Unit on 01633 233263 regarding street naming and numbering.

06 To protect the amenities of existing residents, attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities –

(i) no construction work involving piling shall be carried out on the site other than between the hours of 08.00 and 17.00 Mondays to Fridays and no construction work involving piling shall be carried out on Saturdays, Sundays or Bank Holidays, where it would create noise audible at the boundary of any residential property.

(ii) Any construction work which does not involve piling shall not be carried out other than between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays, where it would create noise audible at the boundary of any residential property.

07 On behalf of Natural Resources Wales the developer is advised that occupiers should sign up to a flood warning system. For further information please contact NRW on 03000 653074.

## **11. REASON FOR THE SITE INSPECTION**

To observe the access and egress.

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