

# Notice of Decision



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TOWN AND COUNTRY PLANNING ACT 1990 [as amended]  
TOWN AND COUNTRY PLANNING [ENVIRONMENTAL IMPACT ASSESSMENT](ENGLAND AND WALES) REGULATIONS 1999 [as amended]

Application No: 12/0886

Application Type: Outline+Env Statemnt

Proposal: COMPREHENSIVE REDEVELOPMENT OF FORMER ALUMINIUM FACTORY COMPLEX TO CREATE A NEW NEIGHBOURHOOD CONTAINING:- A RANGE OF NEW HOMES INCLUDING HOUSES, APARTMENTS AND SOME SHELTERED ACCOMMODATION FOR THE ELDERLY (C2 AND C3), - A NEW PRIMARY SCHOOL (D1), - A LOCAL CENTRE INCLUDING SHOPS (A1), SPACE FOR OFFICES (B1), COMMUNITY FACILITIES (D1), A CLINIC OR SURGERY (D1), PHARMACY (A1) AND HEALTH AND LEISURE FACILITIES (D2), - A RESTAURANT AND PUB (A3) TOGETHER WITH A LODGE OR HOTEL (C1), - A NETWORK OF OPEN SPACES INCLUDING PARKLAND, FOOTPATHS, SPORTS PITCHES AND AREAS FOR INFORMAL RECREATION, - NEW ROADS, PARKING AREAS, ACCESSES AND PATHS, - OTHER ANCILLARY USES AND ACTIVITIES, - AND REQUIRING SITE CLEARANCE TREATMENT AND PREPARATION, THE INSTALLATION OR IMPROVEMENT OF SERVICES AND INFRASTRUCTURE, THE IMPROVEMENT OF FLOOD DEFENCES AND THE CREATION OF NEW WATER BODIES AND DRAINAGE CHANNELS, IMPROVEMENTS/WORKS TO THE HIGHWAY NETWORK AND OTHER ANCILLARY WORKS AND ACTIVITIES, AFFECTING PUBLIC RIGHTS OF WAY 406/58, 406/54, 393/101 AND 406/5 (OUTLINE ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT)

Site/Location: FORMER NOVELIS/ALCAN FACTORY SITE TREGWILYM ROAD ROGERSTONE NEWPORT

Decision Date: 06-Aug-2013

In pursuance of its powers under the above legislation the Council of the City of Newport notifies you of its decision in respect of your application, registered by them on 24-Sep-2012. The application has been:-

## Granted with Conditions

subject to the following 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, application for approval must be made not later than the expiration of **TEN YEARS** beginning with 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 shall be carried out on the site until details of the reserved matters have been approved, and the development shall be carried out in accordance with these details.  
**Reason:** The application has been submitted as 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 to the requirements of Sections 91 and 92 of the Act 1990.

1. Approval of the details of the layout, scale, appearance, access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority. These details shall accord with the parameters and objectives laid out in the Outline Masterplan ref. G1280-4.1 rev.D) and the Masterplan as required to be approved under Condition 04.

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 (General Development Procedure) Order 1995.

2. The development shall not take place other than in accordance with the principles, parameters and objectives of the Outline Masterplan ref. G1280-4.1 rev.D, the DAS, and the Masterplan as required to be approved under Condition 04.  
Reason: To clarify the scope of the outline planning permission and to ensure a comprehensive and coordinated development of the site.
3. The development of the land shall proceed sequentially in accordance with a phased programme that has first been submitted to and approved in writing by the Local Planning Authority (prior to the submission of any reserved matters applications unless otherwise agreed in writing by the Local Planning Authority in relation to specific advanced works) unless an alternative phasing programme is otherwise subsequently agreed in writing by the Local Planning Authority. The phased programme shall include the residential phases (taking account of the maximum total number of residential units referred to in condition 07), the on-site road infrastructure, the riverside park, the Pond areas, the Rogerstone Castle area, the northern woodland/open space, all other areas of open space, the Local Centre, and the pub/restaurant/hotel.  
Reason: In the interests of controlling the phased development of the site.
4. Prior to the submission of any reserved matters applications (unless otherwise agreed in writing by the Local Planning Authority in relation to specific advanced works) a site wide Masterplan shall be submitted to and approved in writing by the Local Planning Authority, which accords with the parameters and objectives laid out in the Outline Masterplan ref. G1280-4.1 rev.D and Design and Access Statement rev.C and shall include the following details: (a) how each phase is broken down into development parcels; (b) full and detailed design analysis of the built form of each phase and their key characteristics; (c) a design approach for each development parcel which reflects and builds on these identified characteristics; (d) the approximate number of residential units within each development parcel and identification of development blocks with an indication of building heights; (e) the location of landmark buildings and key frontages; (f) approximate housing numbers, mix and density within each development parcel; (g) the approximate location, number and mix of affordable housing within each development parcel; (h) off-street parking arrangements; (i) landscaping and planting proposals and boundary treatments; (j) areas of public open space/recreation space within each development parcel, indicating their function and facilities to be provided and their location; (k) the hierarchy of access and circulation including roads, footpaths and cycleways and how these link with the surrounding area and previous phases; (l) an Arboricultural Implication Assessment including details of above and below ground constraints regarding the proposed retained trees, details of infrastructure requirements, and potential issues of shading and general tree debris; (m) an assessment of the potential noise impact of the existing industrial estate adjacent to the south-eastern end of the site on the proposed development and any necessary layout, design and mitigation options. All applications for reserved matters shall accord with the Masterplan unless otherwise approved in writing by the Local Planning Authority.  
Reason: To ensure a coordinated approach to the detailed development of the site and to ensure a high quality design.
5. No development shall commence in relation to each phase (as defined by Condition 03), unless otherwise agreed in writing by the Local Planning Authority in relation to specific advanced works, until a detailed Infrastructure Phasing Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Infrastructure Phasing Plan shall include the sequence and trigger dates for the provision of the following infrastructure (including for the individual development parcels, links between parcels and phases, and links with the wider external network): highways and drainage, pedestrian and cycleways, public transport services including interim measures for temporary services during the course of construction, recreation areas and all formal and informal open spaces (including a landscaping implementation timetable), and flood mitigation measures. The development shall be implemented in accordance with the approved Infrastructure Phasing Plan unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure that the necessary infrastructure and facilities to accommodate the development are provided.
6. The reserved matters for the first phase of development as defined by the phasing plan shall also include precise details of the location of the proposed local centre/pub/restaurant/hotel sites and details as to interim measures to ensure the land concerned is visually acceptable until these facilities are built. The development shall be carried out in accordance with the approved details and measures.  
Reason: In the interests of controlling the relationship between different uses on the site and the visual appearance of the development.
7. The total number of residential units on the application site shall not exceed 1200 unless otherwise approved in writing.  
Reason: As the assumptions in the Transport Assessment and Flood Consequences Assessment are based on a maximum of 1200 residential units.
8. The reserved matters referred to in condition 01 shall include, where relevant to the proposed residential units, a detailed noise assessment and mitigation measures relating to relevant (depending on the nature and location of the reserved matters application) noise sources pertaining to the particular reserved matters application including, where relevant, the industrial estate adjacent to the south-eastern end of the site, proposed non-residential uses on the outline planning application site, and roads within and adjacent to the outline planning application site together with a noise assessment where relevant relating to impact from proposed non-residential uses on the site on any completed residential units within the outline planning application site, which 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.  
Reason: In the interests of residential amenity.
9. 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.
10. No development within any development parcel as defined under Condition 04 shall begin (unless otherwise agreed in writing by the local planning authority in relation to specific advanced works) 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 approved within that parcel 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.
11. 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.

12. Each non-residential building hereby permitted shall be constructed to achieve a minimum Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'Very Good' and achieve 6 credits under category Ene1 in accordance with the requirements of BREEAM 2008.  
Reason: In the interests of securing sustainable development.
13. No non-residential development within any development parcel as defined under Condition 04 shall begin (unless otherwise agreed in writing by the local planning authority in relation to specific advanced works) until details of a 'Design Stage' assessment and related certification for that parcel have been submitted to and approved in writing by the Local Planning Authority. 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.
14. Following practical completion of the final non-residential building in each defined parcel as defined under Condition 04 no building unit shall be occupied until a 'Post Construction Stage' assessment has been carried out in relation to it; a Final Certificate has been issued for it certifying that 'Very Good' and 6 Credits under Ene1 has been achieved.  
Reason: In the interests of securing sustainable development.
15. 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 and the Infrastructure Phasing Plan required by condition 05 and maintained as such in perpetuity.  
Reason: To ensure that adequate levels of recreation facilities are provided to serve the 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 development. 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.  
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. No work shall commence on the construction of any buildings within any development parcel as defined under condition 04 until details/samples of materials and finishes to be used on the external surfaces of the buildings for that parcel have been submitted to and approved in writing by the Local Planning Authority. The development of that parcel shall then be carried out using the agreed materials.  
Reason: To ensure that the development is completed in a manner compatible with its surroundings.
18. No work shall commence on the construction of any development parcel as defined under condition 04 until details/samples of materials and finishes to be used on any proposed hard landscaped areas for that parcel have been submitted to and approved in writing by the Local Planning Authority. The development of that parcel shall then be carried out using the agreed materials.  
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 buildings within any development parcel as defined under Condition 04 until full details of all boundary treatments for that parcel have been submitted to and approved in writing by the Local Planning Authority. In relation to any dwelling or building the details 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 development, other than remediation and earthworks, shall commence in relation to any phase of development as defined under condition 03 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 shall be implemented in accordance with the approved details.  
Reason: To ensure that adequate safeguards are provided to ensure the future provision of recreation facilities.
21. The reserved matters referred to in Condition 1 shall include details of off-street parking and covered cycle parking. These facilities in relation to any development parcel as referred to in Condition 04 shall be provided in accordance with the approved details prior to first occupation of any development associated with the particular development parcel and thereafter maintained as such.  
Reason: In the interests of highway safety.
22. Any garages or parking spaces associated with residential uses on the site shall be used for the parking of domestic vehicles only and for no other purposes including, in the case of the garages, additional living accommodation.  
Reason: To ensure the retention of adequate parking in the interest of highway safety.
23. Roads/cycleways/footways on the site in relation to each parcel of development as referred to in Condition 04 shall be constructed in accordance with plans and full engineering details submitted to and approved in writing by the local planning authority prior to commencement of development of the relevant development parcel and completed in accordance with the approved details prior to first occupation of the particular development parcel unless an alternative timescale has been approved in writing with the local planning authority. The engineering details shall include drawings and specifications showing widths, gradients, drainage, street lighting, materials and specifications for all highway works.  
Reason: In the interests of highway and pedestrian safety.
24. A Green Travel Strategy for each phase of development as defined under condition 03 (including provision for a Travel Plan Co-ordinator) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any development relating to the relevant phase unless an alternative timescale is otherwise agreed in writing by the Local Planning Authority. A Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority for each individual development parcel prior to first occupation of the development associated with that parcel. The Green Travel Strategy and Green Travel Plans shall be implemented and maintained thereafter in accordance with the approved details.  
Reason: In the interests of reducing the need to travel by car and encouraging use of alternative modes of transport.
25. The development shall be served by estate roads laid out and constructed in accordance with details, including means of surface water disposal, previously submitted to and approved in writing by the Local Planning Authority.



Reason: To ensure that the road works are completed to an adoptable standard.

26. No development, to include demolition and site preparation, shall commence in relation to any development parcel defined under Condition 04 until a Construction Environmental Management Plan (CEMP) for that parcel 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';
  - wheel wash facilities;
  - noise mitigation measures;
  - details of temporary lighting;
  - details of enclosure of working areas;
  - details of contractor parking areas and construction site accesses;
  - details of delivery routes and phasing/programming of site works;
  - 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.

27. No construction work shall be carried out on the site other than between the hours of 8.00 am – 6.00 pm (8.00 am - 5.00 pm for works involving piling) Monday-Friday and 8.00 am - 1.00 pm Saturdays (but no work on Saturday involving piling) unless otherwise first agreed in writing by the Local Planning Authority. No construction or piling works shall take place on Sundays or Bank Holidays unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

28. The reserved matters referred to in condition 01 shall include details of all street lighting and lighting of any parking areas, 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.

29. Prior to commencement of development relating to each phase of development as defined by Condition 03 the following details shall be submitted to and approved in writing by the local planning authority:

- a landscape and ecology management plan (LEMP) that would include a Lighting Scheme/Strategy for both the construction and operation phase of the development along the sensitive habitats to ensure unnecessary light spill along sensitive habitats are avoided. The lighting strategy shall also ensure that the ecological corridor along the river Ebbw will be sensitive to the requirements of greater horseshoe bats and any other bats;
- in relation to the Riverside Park details of a reptile hibernacula for incorporation into the designing of the 'Ecology Zone';
- a full method statement with regards to reptiles;
- a native/nectar rich wildflower mix to be incorporated into the planting scheme;
- measures for protecting the existing on-site pond habitat.

The development within each phase of development shall be implemented in accordance with the approved details.

Reason: In the interests of preserving the ecological integrity of the site.

30. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) (Flood Consequences Assessment, reference 128581 Issue 1, Revision B, dated January 2013, produced by ARUP) and the mitigation measures detailed within Section 7 and Figure 12 of the FCA.

Reason: To reduce the risk of flooding to the proposed development and future occupants and prevent the risk of flooding elsewhere by ensuring that compensatory measures are implemented to the satisfaction of your Authority.

31. Details of design and materials proposed for the works to increase the height of flood defence walls as detailed in section 7 of the Flood Consequences Assessment (Flood Consequences Assessment, reference 128581 Issue 1, Revision B, dated January 2013, produced by ARUP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any of these walls. These walls shall be constructed in accordance with the approved details.

Reason: in the interests of the visual character of the site and surrounding area.

32. Prior to commencement of the construction of the proposed 800mm high temporary bund referred to in section 7 of the Flood Consequences Assessment (Flood Consequences Assessment, reference 128581 Issue 1, Revision B, dated January 2013, produced by ARUP) details of the design of this bund shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of construction of this bund together with measures and timescales for its removal and restoration of the land to its proposed permanent state. The bund shall be constructed in accordance with the approved details.

Reason: in the interests of the visual character of the site and surrounding area.

33. No development, (other than demolition) shall commence until:

a) Based on the findings of the desk study, site conceptual model and preliminary risk assessment submitted to date an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to (BS10175/2011), containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.

b) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Quantitative 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:

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

d) Any additional or unforeseen contamination encountered during the development (including during surface reworking and underground structure removal works) shall be notified to the Local Planning Authority as soon as is practicable. If considered necessary by the Local Authority additional investigation data and 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.

34. Prior to import or re-use on site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported or re-used on the site.

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.

35. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.  
Reason: To prevent pollution to the water environment.
36. Prior to commencement of any piling works or any other foundation designs using penetrative methods, details of these operations shall be submitted to and approved in writing by the local planning authority. Such details shall include evidence that there would be no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.  
Reason: To prevent pollution of controlled waters.
37. No development relating to each phase defined by condition 03 shall be commenced until details of a scheme to dispose of foul and surface water, and for the installation of oil and petrol separators relating to surface water from parking areas and hardstandings (including capacity and design), for that phase has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and the Infrastructure Phasing Plan required by condition 05 and retained as such thereafter unless otherwise agreed in writing.  
Reason: To manage the risk of flooding from surface water run-off resulting from development and prevent the risk of polluting the water environment.
38. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.  
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
39. No development shall take place in relation to the phase of development(as defined by condition 03) relating to the Rogerstone Castle area until the applicant, or their agents or successors in title, has submitted a conservation management plan for the site of Rogerstone Castle and it has been approved in writing by the local planning authority. The site of Rogerstone Castle shall then be managed in accordance with the approved conservation management plan.  
Reason: To ensure that the significant archaeological remains of the castle are conserved, interpreted for the enjoyment of the public and that the future of the site is secured.
40. No development shall commence until the site of Rogerstone Castle has been fenced in accordance with details which shall first have been submitted to and agreed in writing by the local planning authority. Throughout the development no works will be undertaken within the area surrounded by the fencing without the written consent of the local planning authority'.  
Reason: To protect the nationally important historic monument from accidental damage.
41. No beneficial occupation of the 201st dwelling or additional buildings hereby approved on the site shall occur, unless otherwise agreed in writing by the Local Planning Authority, until necessary off-site improvements (in accordance with the requirements as outlined in Dwr Cymru's Hydraulic Modelling Report (named Novelis Site, Rogerstone, Newport) issued in September 2012) to the public water infrastructure have been completed and this has been confirmed in writing by the Local Planning Authority.  
Reason: To ensure satisfactory mains water supply is available to properties at all times.
42. The rating level of the noise emitted from plant located at the site shall not exceed the existing background noise level at any time by more than 5dB(A) at any residential property when measured and corrected in accordance with BS 4142: 1997.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
43. Prior to the installation of any floodlighting scheme, full details shall be submitted to and approved in writing by the Local Planning Authority to provide that light into neighbouring residential windows generated from the floodlights shall not exceed 10 Ev (lux) (vertical illuminance in lux). Each floodlight must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical. The floodlighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 5%. The submitted scheme shall include an isolux diagram showing the predicted illuminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties. The approved scheme shall be implemented prior to first use of the lighting and be permanently maintained in that state thereafter.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
44. Prior to first beneficial use of any uses within the proposed local centre, the restaurant, pub and hotel, details of opening hours shall be submitted to and approved in writing by the Local Planning Authority. The uses shall operate in accordance with the approved hours.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
45. The reserved matters referred to in condition 01 where this relates to the proposed A3 uses (as defined under the Town and Country Planning Use Classes Order 1987 as applicable to Wales on the date of this planning permission) and hotel shall include details of ventilation and extraction equipment relating to fumes from any food preparation areas of these uses. Details of the extraction equipment shall include scaled schematics, location plans, odour attenuation measures and future maintenance. The equipment shall be installed in accordance with the approved details prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the approved details.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and in the interests of visual amenities.
46. Prior to commencement of site works an appropriate strategy for the identification of asbestos and asbestos containing material during ground re-working site shall be submitted to and approved in writing by the Local Authority. This should include the methodology for screening and removal of asbestos and asbestos containing material prior to crushing or mechanical processing. Any strategy shall also include a schedule for airborne asbestos monitoring, and mitigation procedures in the event of airborne asbestos being recorded. The strategy as approved shall be fully adhered to during the development of the site.  
Reason: To ensure that any potential risks to human health which may arise from air bourn asbestos are satisfactorily addressed.
47. The proposed Local Centre shall only include the mix of uses described in the description of development for this Centre.  
Reason: To ensure an appropriate range of uses in the interests of the amenities of prospective residents of the development.
48. The total gross floorspace relating to the proposed retail use (Use Class A1 as defined under the Town and Country Planning Use Classes Order 1987 as applicable to Wales on the date of this planning permission) on the site shall not exceed 1000 square metres (inclusive of any mezzanine floorspace).  
Reason: To safeguard the viability and vitality of existing neighbourhood, local and district centres and Newport City Centre.

49. Prior to first operation of a bus route within the site bus stop facilities including raised border kerbs, shelters, flags, timetables shall be installed in accordance with details first submitted to and approved in writing by the local planning authority.  
Reason: To encourage alternative modes of transport to the car and in the interests of sustainable development of the site.
50. Details of protection measures for existing trees shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development of any phase and the development shall be implemented in accordance with the approved measures. Details shall include provision of a 20m radius around the existing copper beech and demonstration that the roads and footpaths would be outside the Root Protection Areas.  
Reason: In the interests of protecting existing trees and to the benefit of the visual character of the site.
51. Reserved matters applications shall include details of site levels including sections through the site to demonstrate how the site levels relate to the rest of the site and surrounding area.  
Reason: In the interests of the visual amenity of the site, the relationship to existing trees on the site to be retained, and the amenities of existing and prospective residents of the proposed development.

#### **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](mailto:building.control@newport.gov.uk).

1. This decision relates to the following drawings: Masterplan G1280-4.1 rev.D, Access Strategy rev.A, Phasing Plan rev.A, Landscaping and Open Space Strategy rev.A, Parameters Plan rev.A, together with Design and Access Statement rev.C. Notwithstanding the annotation on the top drawing on page 30 of the Design and Access Statement which reads: 'Note: the final treatment of this boundary will be subject to a detailed layout and possible need for more noise survey work to establish whether any mitigation measures are required' it should be clarified that this is intended to reflect the point in letter from Savills dated 14 February 2013 which refers to this change as being: 'Reference in the DAS (page 30) to the industrial estate potentially being a noise constraint and the layout of the development at this end of the site, and any mitigation measures, may be subject to further noise survey work'.
2. The development plan for Newport is the Newport Unitary Development Plan 1996 – 2011 (Adopted May 2006). Policies SP1, SP2, SP11, SP13, SP17, SP18, SP24, U6, SP27, CE4, CE7, CE9, CE10, CE30, CE38, CE39, CE44, CE45, H2, H5, T7, T10, T16, ED3, ED5, ED6, ED13, R9, CF2, CF4, CF7, CF16, U3, U4, U5, U8, and U13 were relevant to the determination of this application.
3. The application was accompanied by an Environmental Statement.
4. This application is subject to a Section 106 Agreement.
5. If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility. The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations. If any waste is to be used onsite, the applicant will be required to obtain the appropriate waste exemption or permit from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided. The applicant is advised to contact the Environment Management team of the Environment Agency at St Mellons Office on 02920245119 or refer to guidance on our website <http://www.environment-agency.gov.uk/subjects/waste>
6. The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW. Further information on the Welsh Ministers Standards is available for viewing on DCWW's Developer Services Section of its website - [www.dwrcymru.com](http://www.dwrcymru.com) or on the Welsh Government website - [www.wales.gov.uk](http://www.wales.gov.uk). Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.
7. The amended Wildlife and Countryside Act 1981 protects bird species whilst nesting in the UK. This protection extends to a bird, its nest, eggs, and young until such time as the young have fledged. Vegetation clearance should proceed outside the peak bird-breeding season (generally considered to be March through 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 to be affected.

Signed on behalf of the Council



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

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

**Application Number: 12/0886**

**Decision Date: 06-Aug-2013**

**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](http://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.)

**IMPORTANT** -This Decision Notice affects your property and should be placed with the title Deeds of the Property