

Notice of Decision

Rev 1



Nick Heard
Savills
2 Kingsway
Cardiff
CF10 3FD

TOWN AND COUNTRY PLANNING ACT 1990 [as amended]

Application No: **19/1270**

Application Type: **Full Application**

Proposal: **ERECTION OF 1NO. CLASS A1 FOOD STORE AND 2NO. FLEXIBLE USE RETAIL UNITS (CLASS A1 AND/OR CLASS A3) WITH ASSOCIATED ACCESS, HARDSTANDING, LANDSCAPING, CAR PARKING AND ANCILLARY WORKS**

Site/Location: **116, Tregwilym Road, Rogerstone, Newport, NP10 9EJ**

Decision Date: **18th May 2020**

In pursuance of its powers under the above Act the Council of the City of Newport notifies you of its decision in respect of your application, registered by them on 6-Mar-2020 The application has been:-

Granted with Conditions

STANDARD CONDITIONS

The development must begin not later than the expiration of FIVE YEARS from the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990

ADDITIONAL CONDITIONS

- 1 The development shall be implemented in accordance with the following plans and documents: P1001 P5, E2001 P5, P2001 P08, P2002 P06, P2003 P1, P2004 P2, P3001 P07, P3002 P07, P6002 P6, Noise Assessment Report (Hunter Acoustics, Nov 2019), Planning and Retail Statement (Savills, Dec 2019), Transport Statement (Arup, Dec 2019), Site Investigation Report (Integral Geotechnique, Nov 2019) and Ecology Briefing Note (EDP).
Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

20/0671 Non Material Amendment approved on 27th August 2020 by Newport City Council

- 2 Pre- commencement conditions

No development, to include demolition and site preparation, 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:

- a) dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition Activities;
- b) wheel wash facilities;
- c) noise mitigation measures;
- d) measures to minimise the impact on air quality;
- e) details of temporary lighting;
- f) details of enclosure of working areas;
- g) details of contractor parking areas and construction site accesses;
- h) details of delivery routes and phasing/programming of site works;

- i) a drainage strategy to operate setting out controls of contamination, including controls to surface water runoff, water pumping, storage of fuels and hazardous materials, spill response plans and pollution control measures.
- j) pollution prevention and contingency measures.

Development works shall be implemented in accordance with the approved CEMP.

Reason: In the interests of amenities and highway/pedestrian safety; and in accordance with policies GP2, GP4 and GP7.

- 3 No work shall be commenced on the construction of the approved scheme until details/samples of materials and finishes to be used on the external surfaces of the development hereby approved 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: In the interests of visual amenity, in accordance with policies GP2 and GP6.
- 4 Notwithstanding the approved drawings, before the development commences, written approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating the number, species, sizes, densities and heights of planting and positions of all trees and shrubs). 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: In the interests of visual amenity and ecological enhancement, in accordance with policies GP5 and GP6.
- 5 Notwithstanding the approved drawings, prior to the commencement of development, details of hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a palette of materials which will define entrance points and outdoor seating areas. The development shall be completed in accordance with the approved details and retained thereafter.
Reason: In the interests of visual amenity, in accordance with policies GP2 and GP6.
- 6 Pre -occupation conditions

Prior to the beneficial use of the building hereby approved a contaminated land completion/verification report, confirming the remediation has being carried out in accordance with the Site Investigation Report (ref: 11659/RAH/19/SI/RevA, Integral Geotechnique) shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed, in accordance with policy GP7.
- 7 Prior to the beneficial use of the building hereby approved the parking areas shown on drawing 194238 - IDL - 01 - XX - DR - A - P2001 shall be implemented and permanently demarcated on the ground and available in association with the building hereby approved thereafter. The parking areas shall be retained in accordance with the approved details.
Reason: To ensure adequate parking is provided on site in the interests of highways safety and in accordance with policies GP4 and T4.
- 8 Prior to the beneficial use of the building hereby approved, 1 parking space shall be fitted with an electric vehicle charging point with infrastructure provision made to serve the remaining 10% of spaces in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The charging points shall be retained thereafter in perpetuity.
Reason: In the interests of sustainability and air quality; and in accordance with policies SP1 and GP7, and Planning Policy Wales (Edition 10).
- 9 Prior to the beneficial use of the building hereby approved the bin store as shown in drawing 194238 - IDL - 01 - XX - DR - A - P2001 shall be provided and retained thereafter in perpetuity.
Reason: In the interests of general amenity, in accordance with policy GP2.
- 10 Prior to the beneficial use of each unit of the building hereby approved a delivery plan shall be submitted to and approved in writing by the Local Planning Authority. The delivery plan shall set out delivery hours and the methods of loading and unloading. The units shall operate in accordance with the approved plan thereafter.
Reason: In the interests of residential amenity and public safety, in accordance with policies GP2, GP4 and GP7.
- 11 Prior to first beneficial use of each unit of the building hereby approved, details of opening hours shall be submitted to and approved in writing by the Local Planning Authority. The use shall operate in accordance with the approved hours.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with policies GP2 and GP7.
- 12 Prior to the installation of the floodlighting scheme, full details shall be submitted to and approved in writing by the Local Planning Authority to provide that:
 - o Light into neighbouring residential windows generated from the floodlights shall not exceed 10 Ev (lux) (vertical illuminance in lux).
 - o Each floodlight must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical.
 - o 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, in accordance with policies GP2 and GP7.

13 General conditions

Noise emitted from plant and equipment located at the site shall be controlled such that the rating level, calculated in accordance with BS4142 2014, does not exceed a level of 5dB below the existing background level, with no tonal element to the plant. A noise report should be provided to show compliance with this condition.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with policies GP2 and GP7.

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

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed, in accordance with policies GP7.

NOTE TO APPLICANT

The development shall 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 approval which may be required under any other legislation or provisions, such as, but not limited to, Highways and Building Regulations. For advice on the requirements of the Building Regulations and allied legislation, and/or whether there is a need for a Building Regulations submission, please contact the Council's Building Control Section on 01633 656656 or email building.control@newport.gov.uk. For advice on obtaining relevant permissions from the Highway Authority, please contact streetscene@newport.gov.uk. The plans have been assessed on the basis of the scale or dimensions stipulated and any statement of 'do not scale' (or similar) has been disregarded.

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

The Local Planning Authority has a target to determine Discharge of Condition applications within 8 weeks of receipt of the details, and so you are advised to programme any work accordingly.

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

- (1) The development plan for Newport is the Newport Local Development Plan 2011 - 2026 (Adopted January 2015). Policies SP1, SP2, SP9, SP18, SP19, GP2, GP4, GP5, GP6, GP7, T4, R8 and W3 were relevant to the determination of this application.
- (2) 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.

Signed on behalf of the Council



Newport City Council
Regeneration, Investment and Housing
Civic Centre
Newport
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NP20 4UR

Keir Duffin
Head of Regeneration, Investment and Housing / Pennaeth Adfywio Buddsoddi a Thai
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Application Number: 19/1270

Decision Date: 18th May 2020

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

Notes for Applicants

TOWN AND COUNTRY PLANNING ACT 1990

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State 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 Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- **If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)**